

OREGON SCHOOL FOR THE DEAF

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The following symbol is used on some policies:

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

Oregon School for the Deaf

Code: AC
Adopted: 6/15/05
Orig. Code(s): None

Nondiscrimination

The Oregon School for the Deaf (OSD) 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, mental or physical disability or perceived disability, familial status, economic status, pregnancy, veterans' status, marital status or age, or because of the perceived or actual race, color, religion, sex, sexual orientation, national or ethnic origin, mental or physical disability or perceived disability, familial status, economic status, pregnancy, veterans' status, marital status or age of any other persons with whom the individual associates.

In keeping with requirements of federal and state law, OSD strives to remove any vestige of discrimination in employment, in assignment and promotion of personnel; in educational opportunities and services offered students, in student assignment to schools and classes; in student discipline; in location and use of facilities; in educational offerings and materials; and in accommodating the public at public meetings.

The OSD encourages staff to improve human relations within the schools, to respect all individuals and to establish channels through which citizens can communicate their concerns to the administration.

The Superintendent of Public Instruction shall appoint and make known the individuals to contact at the Oregon Department of Education on issues concerning the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title VI, Title VII, Title IX and other civil rights or discrimination issues. The OSD will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public.

The OSD 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 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 342.934\(3\)](#)

[ORS 659.805](#)

[ORS 659.815](#)

[ORS 659.850](#)

[ORS 659.865](#)

[ORS 659.870](#)

[ORS 659A.003](#)

[ORS 659A.006](#)

[ORS 659A.009](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[ORS 659A.043](#)

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.

[ORS 659A.103](#)
[ORS 659A.109](#)
[ORS 659A.112 to -659A.139](#)
[ORS 659A.142](#)
[ORS 659A.145](#)
[ORS 659A.233](#)

[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.321](#)
[ORS 659A.409](#)

[OAR 581-015-0054](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0049](#)
[OAR 581-022-1140](#)
[OAR 839-003-0000](#)

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (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).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 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).
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).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments Act of 2008.
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.
Title II of the Genetic Information Nondiscrimination Act of 2008.

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 (using the Discrimination Complaint Form) and must be filed with the supervisor. The supervisor shall investigate and determine the action to be taken if any, and reply in writing to the complainant within 10 school days.

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

Step 2: If the complainant wishes to appeal the decision of the supervisor, he/she may submit a written appeal to the Director within 5 school days after receipt of the supervisor's response to the complaint. The Director shall meet with all parties involved. The Director will review the merits of the complaint and the supervisor's decision and respond in writing to the complaint within 10 school days.

Step 3: If the complainant is not satisfied with the decision of the Director, a written appeal may be filed with the Assistant Superintendent of Student Services, Oregon Department of Education, within 5 school days of receipt of the Director's response in Step 2. The Assistant Superintendent may meet with the concerned parties and their representative. The Assistant Superintendent's will make a decision and respond in writing to the complaint within 10 school days of this meeting.

Step 4: If the complainant is not satisfied with the decision of the Assistant Superintendent, he/she may appeal in writing to the Superintendent of Public Instruction. The State Superintendent of Public Instruction decision will be final.

If the supervisor is the subject of the complaint, the individual may file a complaint with the Director. If the Director is the subject of the complaint, the complaint should be referred to the Assistant Superintendent of Student Services for ODE.

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

Discrimination Complaint Form

Name of Person Filing Complaint

Date

Department at OSD: _____

- Type of Discrimination:
- | | | |
|--------------------------------------|---|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Color | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Age | <input type="checkbox"/> National Origin |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Marital Status | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Other _____ | | |

Specific Complaint: (Please provide detailed information including names, dates, places, activities and results of the discussion to resolve problem.) _____

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

Suggested solution/resolution/outcome: _____

Give this complaint form to your supervisor. (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 filled with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.)

Corrected 12/12/14; Corrected 8/04/15

Oregon School for the Deaf

Code: **ACA**
Adopted:

Americans with Disabilities Act

The school, in compliance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendment Act of 2008 (ADA), is committed to maintaining employment practices, services, programs and activities that provide equity to qualified individuals with disabilities.

The school will provide reasonable accommodations for the known disabilities of all applicants and current employees in all employment application procedures; hiring, advancement or discharge; employee compensation; job training; other terms, conditions and privileges of employment upon request and advance notice.

A reasonable accommodation must not present an undue hardship for the school, be unduly costly, extensive or disruptive; nor present a direct threat to the health or safety of the individual or others in the workplace.

School services, programs and activities will be accessible and usable by qualified individuals with disabilities, consistent with Section 504 of the Rehabilitation Act of 1973 and the ADA. Accessibility may be achieved through nonstructural as well as structural methods.

In order to achieve equal access, the school will make available appropriate auxiliary aids and services that promote effective communications. Primary consideration will be given to the request of individuals with disabilities in the selection of appropriate aids and services. Final determination will be made by the director. Auxiliary aids and services determinations will be based on availability, effectiveness and financial or administrative burden to the school.

The State Board of Education directs the administrator to develop and implement an appropriate plan that provides for school compliance with the ADA, including the appointment of an ADA compliance officer and the establishment of a process for the investigation and prompt and equitable resolution of any complaint regarding noncompliance.

Retaliation is prohibited against anyone who files a complaint of discrimination, participates in an Office of Federal Contract Compliance Program proceeding or otherwise opposes discrimination federal or state laws.

END OF POLICY

Legal Reference(s):

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (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).

Chevron U.S.A. Inc. v. Echazabal, 536 U.S. 73 (2002).

Americans with Disabilities Act Amendments Act of 2008.

ADA Grievance Procedure

The Director is responsible for coordinating the school's efforts to comply with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA). The Director shall be a neutral party having had no involvement in the complaint presented.

- Step 1 Any complaint shall be presented in writing to the director within 180 days from date of alleged discrimination. It must include the following:
- a. The name and address of the individual or the representative filing the complaint;
 - b. The description of the alleged discriminatory action in sufficient detail to inform the school of the nature and date of the alleged violation;
 - c. A signature by the complainant or by someone authorized to do so on his/her behalf;
 - d. The identification (by name, if possible) of the alleged victims of the discrimination for any complaint filed on behalf of classes or third parties.
- Step 2 The Director shall thoroughly investigate the complaint, notify the person who has been accused of discriminating, permit a response to the allegation and arrange a meeting to discuss the complaint with all concerned parties within 10 working days after receipt of the written complaint, if deemed necessary. The Director shall give a written answer to the complainant within 15 working days after receipt of the written complaint.
- Step 3 If the complainant is not satisfied with the decision of the director, a written appeal may be filed with the office of the Assistant Superintendent of Student Services, Oregon Department of Education, within 5 school days of receipt of the Director's response to Step 2. In an attempt to resolve the complaint, the office of the Assistant Superintendent shall meet with the concerned parties and their representative, make a decision and respond in writing to the complaint within 10 school days of this meeting.
- Step 4 If the complainant is not satisfied after exhausting local complaint procedures, he/she may appeal in writing to the Superintendent of Public Instruction. The decision of the Superintendent of Public Instruction will be final.

Step 5 If the complainant is not satisfied with the decision of the State Superintendent, a complaint may be filed with the Coordination and Review Section, Civil Rights Division, U.S. Department of Justice (student complaints) or the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries (employment complaints).

Individuals may initiate complaint procedures and/or civil actions with or without first complying with local complaint procedures.

Oregon School for the Deaf

Code: **BFC**
Adopted:

Adoption and Revision of Policies

School policies will be subject to alteration, addition or deletion only upon majority vote of the State 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 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 State Board.

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

School policy documents will be made available to the State Board and the public. When additions, deletions or amendments are made to school policy, the addition, deletion or amendment will carry the adoption date and the corrected copy will be published and inserted in each policy manual at the earliest opportunity.

The operation of any 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 reviewed at the beginning of each year to keep it current.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 346.089](#)

[OAR 581-022-1610](#)
[OAR 581-022-1720](#)

Oregon School
for the Deaf

Code: **BFCA**
Adopted:

Administrative Regulations

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

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

When approved by the director, administrative regulations shall be made available to the State Board, staff and the public.

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 346.089](#)

OREGON SCHOOL FOR THE DEAF

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The following symbol is used on some policies:

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

Oregon School for the Deaf

Code: **CB**
Adopted:

Director

The Director is the school's chief executive officer and has, under the State Board's direction, general supervision of the school, personnel and departments. The Director is responsible for managing the school under the school's policies and is accountable to the State Board for that management.

The Director may delegate to other school personnel any powers and duties imposed upon the Director by school policies or the Assistant Superintendent of Student Services for the Oregon Department of Education. Delegation of power or duty, however, will not relieve the Director of responsibility for action taken under such delegation.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 346.089](#)

[OAR 581-016-0780](#)

**Oregon School
for the Deaf**

Code: **CBB**
Adopted:

Recruitment and Appointment of the Director

The recruitment and hiring of the Director will follow the Oregon Department of Education and state of Oregon hiring requirements. The Governor's appointed advisory board to the Oregon School for the Deaf will be part of the hiring process.

The Director is a state employee of the Oregon Department of Education.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 12/12/14

Oregon School
for the Deaf

Code: **CBG**
Adopted:

Evaluation of the Director

The Director's job performance will be evaluated formally following the evaluating procedures as outlined by the Oregon Department of Education.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 12/12/14

Oregon School for the Deaf

Code: CHCA
Adopted:

Approval of Handbooks and Directives

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

It is essential that the contents of all handbooks conform with school policies and administrative regulations. It is also important that all handbooks bearing the name of the school be of a quality that reflects favorably on the school. The State Board, therefore, expects all handbooks to be approved by the Director before publication.

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-016-0850](#)

Corrected 12/12/14; Corrected 8/05/15

Oregon School for the Deaf

Code: **CHD**
Adopted:

Administration in the Absence of Policy

In cases where emergency action must be taken and policy direction has not been provided, the Director shall have the power to act. His/Her decisions may be reported and drafted policy language may be recommended to the State Board at a regular or special meeting, as needed.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-016-0780](#)

[OAR 581-016-0850](#)

Corrected 12/12/14

Oregon School
for the Deaf

Code: **CI**
Adopted:

Temporary Administrative Arrangements

In the event the Director is to be absent from the school, staff will be designated to serve in his/her absence.

In the event the Director is disabled or otherwise unavailable to serve, the Assistant Superintendent of Student Services for the Oregon Department of Education will assign the Director's duties, as appropriate.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 12/12/14

Temporary Administrative Arrangements - CI

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OREGON SCHOOL FOR THE DEAF

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The following symbol is used on some policies:

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**Oregon School
for the Deaf**

Code: **DH**
Adopted:

Bonded Employees and Officers

All school employees responsible for funds, fees, cash collections or inventory control will be bonded to protect the school against loss. In compliance with Oregon statutes and administrative rules, the Director, custodian of funds and other individuals as deemed necessary, will have fidelity bond coverage or equivalent crime coverage. The state of Oregon will pay the cost of such coverage.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)
[ORS 346.019](#)
[ORS 346.055](#)

Corrected 12/12/14

Oregon School for the Deaf

Code: **DIBA**
Adopted: 3/25/08
Orig. Code(s): None

Trust Accounts

Over the years, trust funds have been established, for a wide variety of purposes. Most students have their own individual trust accounts they can draw from provided they or their parents maintain a \$5.00 balance.

In addition, trust funds exist to deposit donated monies, manage student groups' activity funds or awards funds. The majority of these trust accounts are used for the benefit of students. Requests for withdrawal of funds requires a minimum of two signatures, at least one must be a Leadership Team member.

END OF POLICY

Legal Reference(s):

[ORS 346.055](#)

Corrected 12/12/14

Trust Accounts - DIBA

1-1

Oregon School for the Deaf

Code: **DJ**
Adopted:

School Purchasing

The function of 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 Oregon Department of Education (ODE) procurement office is to serve as purchasing agent. They will be responsible for developing and administering the school's purchasing program.

No obligation may be incurred by any employee unless that expenditure has been authorized by ODE office of procurement. In all cases calling for the expenditure of school money, except payrolls, a requisition and purchase order system must be used.

No purchase with the exception of a petty cash purchase will be authorized unless covered by an approved purchase order. No bills will be approved for payment unless purchases were made on approved orders.

The ODE office of procurement will review bills due and payable for the purchase of supplies and services to determine if they are within budget amounts.

No employee or agent of this 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 employee or a relative is associated.

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

END OF POLICY

Legal Reference(s):

[ORS 244.040](#)

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

[ORS 294.311](#)

[ORS 328.441 to -328.470](#)

[ORS 334.125](#)

[OAR 125-055-0040](#)

Corrected 12/12/14; Corrected 8/05/15

School Purchasing - DJ

1-1

Expenditure of School Funds for Meals, Refreshments and Gifts

The school recognizes there may be occasions when it is appropriate for administrators and others to expend school funds in the course of conducting school business to provide meals or refreshments (e.g., bakery goods, snacks, fruit, punch, coffee, tea, soft drinks, etc.). The purchase of gifts may also be approved, in certain situations. Such occasions may include, but are not limited to, various school meetings, gatherings to celebrate school successes or recognize individual achievements, contributions or outstanding service to the school and other school-sponsored activities. Such expenditures may be made with prior Director approval only, subject to the provisions of this administrative regulation.

The use of school funds, as used in this regulation, means the use of money in any of the general accounts of the 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 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.

Gifts

There are numerous occasions that may arise whereby State Board members, administrators or other school staff may feel the need to recognize employees (i.e., Administrative Professional's Day, employees' week, birthday, etc. A Board member, administrator or other school employee may provide such recognition only at his or her expense, unless as otherwise permitted below:

1. The school may provide a small token of appreciation for an employee's retirement and years of service and other related activities utilizing school funds, as approved in advance.
2. Administrators may use school funds to provide an appropriate token of appreciation on behalf of the OSD. The value of this item may not exceed \$50 per person;
3. No other expenditure of school monies for gifts is permitted without prior authorization from the Director.

Oregon School
for the Deaf

Code: **DJB**
Adopted:

Petty Cash Accounts

Petty cash funds will be established annually, not to exceed \$500. 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 school policy and requirements of law.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Oregon School for the Deaf

Code: **DLC**
Adopted:

Expense Reimbursements

The school will reimburse employees for authorized expenses incurred for professional growth and/or job requirements in accordance with the applicable collective bargaining agreement and Oregon Department of Education policy.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS 332.107](#)

[ORS 346.010](#)

[ORS 346.019](#)

[OAR 581-016-0850](#)

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.

Oregon School for the Deaf

Code: **DN**
Adopted: 10/07/08
Orig. Code(s): None

Property Transfer and Disposal

No materials from any program or department at the Oregon School for the Deaf (OSD) may be transferred, given, sold or otherwise transmitted to anyone except for the specific purpose of utilization with students at OSD. This includes all materials resulting from general funds, federal funds, trust funds, miscellaneous receipts, donated funds appropriations or donated materials.

END OF POLICY

Legal Reference(s):

[ORS 279B.055](#)
[ORS Chapters 279A, 279B and 279C](#)
[ORS 332.155](#)
[ORS 346.047](#)

Corrected 12/12/14

OREGON SCHOOL FOR THE DEAF

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The following symbol is used on some policies:

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

Oregon School for the Deaf

Code: **EB**
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.

The Director 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 332.107](#)
[ORS 654.003 to -654.022](#)

[OAR 437-001-0760](#)
[OAR 437-002-0020 to -0081](#)
[OAR 437-002-0100](#)

[OAR 437-002-0140](#)
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[OAR 437-002-0390](#)
[OAR 437-002-0391](#)
[OAR 581-016-0840](#)
[OAR 581-022-0606](#)

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).

Oregon School for the Deaf

Code: **EBAC**
Adopted:

Safety Committee

A safety committee shall be established to implement the school's safety program as part of an ongoing effort to help ensure the safety of students, staff and others while on school property.

The Director will coordinate the school's safety committee efforts and maintain all necessary records.

The Director will develop administrative regulations as may be necessary to implement this policy and meet the applicable Oregon Occupational Safety and Health Division requirements.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 654.176](#)

[ORS 654.182](#)

[OAR 437-001-0765](#)

[OAR 581-016-0840](#)

Safety Committee

Safety Officer

The Director shall designate a safety officer. The safety officer shall:

1. Establish a site safety committee to implement and monitor the safety program;
2. Be responsible for writing and implementing a safety program. The written program shall include reporting procedures and in-service safety training program;
3. Coordinate all matters relating to safety and shall make, or cause to be made, periodic inspections of the school and manage the status of record keeping, reports and meeting agendas;
4. Maintain liaison with applicable agencies outside the school;
5. Maintain the accident record system; make necessary reports; personally investigate fatal, serious and potentially serious accidents; and check corrective action taken by teachers or other personnel to eliminate causes of accidents;
7. Establish specific goals for the safety program and evaluate goals and accomplishments on a regular basis.

Safety Committee

A safety committee shall be established at the school site to represent the safety and health concerns of school employees and students.

The safety committee shall be composed of an equal number of employer and employee representatives.

A reasonable attempt will be made to ensure that committee members represent major work activities (i.e., teacher, custodian, food-service worker, director).

Members of the committee shall serve at least a continuous one-year term. Terms shall be staggered to provide continuity. There shall be a chair mutually agreed on in two-person committees.

Employee representatives attending safety committee meetings outside a regularly scheduled workday shall be compensated by the employer at the regular hourly wage.

The safety committee will:

1. Hold regular meetings at least once a month except months when quarterly workplace safety inspections are made;
2. Provide written agendas for each meeting which shall set the order of business;
3. Make written records of each meeting which the school shall maintain for three years for inspection;
4. Post and send copies of meeting records to committee members;
5. Assist in creating a hazard-free work environment by:
 - a. Recommending to the school how to eliminate hazards in the workplace and promoting employees' adherence to safe work practices; and
 - b. Using lines of communications to promote cooperative attitudes among all persons involved in the operations of the workplace.

Duties of the safety committee will include:

1. Establishing procedures for minimum quarterly workplace safety inspections of a safety committee inspection team to locate and identify safety and health hazards. The safety inspection team shall include employer and employee representatives. The team shall document the location and identity of the hazards and make recommendations as to how and when the hazards will be corrected;
2. Establishing procedures for investigating all significant safety-related incidents including injury accidents, illnesses and deaths for the purpose of recommending corrective action necessary to prevent similar events from recurring;
3. Evaluating school policies which may affect safety and health in the workplace and making recommendations for changes to existing policies or adoption of new policies;
4. Evaluating all the accident and illness prevention programs brought to the committee's attention and making recommendations necessary to make the programs more applicable to the workplace;
5. Establishing a system whereby the safety committee can obtain information that would help in creating a hazard-free work environment, directly from all persons involved in the operations of the workplace. The information obtained shall be reviewed at the next safety committee meeting;
6. Establishing procedures for the review of all safety and health inspection reports made by the committee and making necessary recommendations;
7. Establishing procedures for the review of corrective action taken on the committee's recommendations or determining the reasons why no corrective action was taken;
8. Making all reports, evaluations and recommendations of the safety committee a part of the minutes of the safety committee;

9. Evaluating employee/supervisor training needs.

Degree of Authority

The safety committee is authorized to make written suggestions to the school safety officer, based on its experiences, inspections and input from other employees, students and school patrons, as appropriate.

Integrated Pest Management

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

The IPM plan is a proactive strategy that:

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

¹See Model Integrated Pest Management Plan for Oregon Schools at http://www.ipmnet.org/tim/IPM_in_Schools/Model_School_IPM_Plan_Main_Page.html

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

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

Integrated Pest Management Plan Coordinator

The IPM Plan Coordinator shall:

1. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;
2. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;
3. Oversee pest prevention efforts;
4. Ensure identification and evaluation of pest situation;
5. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
6. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;
7. Evaluate pest management results; and
8. Keep for at least four years following the application date, records of applied pesticides that include:
 - a. A copy of the label;
 - b. A copy of the Safety Data Sheet;
 - c. The brand name and USEPA² 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 gave the notices.

²U.S. Environmental Protection Agency

9. Respond to inquiries about the IPM plan and refer complainants to complaint procedures;
10. Conduct outreach to school staff about the school's IPM plan.

END OF POLICY

Legal Reference(s):

[ORS 634.116](#)

[ORS 634.700 to -750](#)

Oregon School for the Deaf

Code: **EBBA**
Adopted:

First Aid**

In cases of sudden illness or injury to a student or staff member, first aid will be given by school staff. Further medical attention to students is the parents' responsibility, or of someone the parents designate in case of an emergency.

The Director is charged with providing for the immediate care of ill or injured persons within his/her area of responsibility.

Staff members shall report self-administered first-aid treatment to an immediate supervisor.

Procedures for handling health emergencies will be established and made known to the staff. The school and any school vehicle will be equipped with appropriate first-aid supplies and equipment. All employees are expected to know where first-aid supplies and equipment are kept in their work areas.

Designated employees in each building shall hold current first-aid cards. In compliance with Oregon Administrative Rules, the school shall have, at a minimum, at least one staff member with a current first-aid card for every 60 students enrolled or an emergency response team per building. Such team shall consist of no less than six persons who hold current first-aid and CPR cards and who are trained annually in the school and building emergency plans. Names of the designated employees will be posted.

END OF POLICY

Legal Reference(s):

[ORS 30.800](#)
[ORS 332.107](#)

[OAR 437-002-0120 to -0139](#)
[OAR 437-002-0161](#)

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-016-0840](#)
[OAR 581-022-0705](#)

[OAR 581-053-0003\(37\)](#)
[OAR 581-053-0220\(3\)\(B\)\(iii\)](#)
[OAR 581-053-0320\(5\)\(b\)](#)
[OAR 581-053-0420\(2\)\(f\)\(B\)](#)

Oregon School for the Deaf

Code: **EBBAA/GBEBC/JHCCC**
Adopted:

Infection Control - HIV, AIDS, HBV

The school shall use standard precautions at all times for infection control. Each person is therefore treated as though an HIV, AIDS or HBV¹ infection exists.

The school shall develop an Exposure Control Plan that includes infection control procedures for staff and students.

Staff and students shall receive an annual in-service that includes correct procedures for cleaning up body fluid spills and for personal cleanup, appropriate disposal, immunization and personal hygiene, as well as the location and a content review of first-aid and clean-up kits. Kits shall be available for each room in the building and in each school vehicle.

In addition to an annual in-service, staff and students on a regular basis will receive HIV, AIDS and HBV information.

The information shall emphasize infection — how infection is spread as well as how it is not spread.

The school will cooperate with the Oregon Department of Education, the Oregon Department of Human Services, Health Services and the local health department in delivering HIV, AIDS and HBV education.

END OF POLICY

Legal Reference(s):

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)

[OAR 581-022-0705](#)
[OAR 581-022-1440](#)

[OAR 581-053-0240\(23\)](#)
[OAR 581-053-0250\(1\)](#)

2/10/04 | NC

Corrected 2/06/15; Corrected 7/10/15

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

Oregon School for the Deaf

Code: **EBBB**
Adopted:

Injury/Illness Reports

All injuries/illnesses, sustained by the employee while in the actual performance of the duty of the employee, occurring on Oregon School for the Deaf (OSD) premises, in OSD vehicles, at an OSD-sponsored activity or involving staff members who may be elsewhere on OSD business will be reported immediately to a supervisor.

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

In the event of a work-related¹ illness or injury to an employee resulting in overnight hospitalization for medical treatment² other than first aid, the safety officer shall inform the Oregon Occupational Safety and Health Division (OR-OSHA). A report will be made within 24 hours after notification to the OSD of an illness or injury. Fatalities or catastrophes³ shall be reported within eight hours.

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

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

The Oregon Department of Education's human resources director or designee will receive reports on serious injuries/illnesses, including accidents involving OSD property or employees, students or visiting publics, and periodic statistical reports on the number and types of injuries/illnesses occurring in the OSD, as well as on the measures being taken to prevent such injuries/illnesses in the future.

END OF POLICY

¹An 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.

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

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

Legal Reference(s):

[ORS 332.107](#)

[OAR 437-001-0015](#)

[OAR 437-001-0700](#)

[OAR 437-001-0760](#)

[OAR 581-016-0840](#)

Staff Injuries and Accidents – Procedures

1. OSD shall maintain a safety committee per rules developed by Department of Insurance and Finance (OAR 437-001-0765).
 - a. The committee shall have representatives from departments, and will be chaired by the maintenance supervisor.
 - b. The committee shall be responsible for the conduct of safety activities on campus.
 - c. The committee shall review action plans to be implemented in the event of fire, windstorm, bomb threat, hurricane or other emergencies. Emergency drills shall be conducted to develop proficiency in emergency responses.

2. On-the-Job Injury
 - a. The employee shall report injury/accident immediately to his/her supervisor.
 - b. The employee may opt to report to Student Health Services for needed first-aid care. The employee shall complete a “Supervisors Accident Investigation Report.” (55-120) 2.01.03
 - c. If an injury requires medical attention, the employee shall complete worker’s section of SAIF Form 801 before leaving work.
 - d. The 55-120 form will be forwarded to the employee’s supervisor for review and signature before it is returned to the nursing supervisor.
 - e. The 55-120 form will be forwarded to administrative secretary for copies to be distributed to: supervisor; safety officer; and nurses’ supervisor.
 - f. The nursing supervisor forwards completed forms to administrative secretary for further routing to the ODE personnel office.
 - g. The nursing supervisor immediately notifies the OSD Director if an accident results in a serious disabling injury requiring hospitalization.
 - h. The Safety committee and supervisor will conduct an investigation of the injury/accident.

3. ODE Human Resources Director:
 - a. Notifies Workers’ Compensation Division of any injuries/accidents requiring a visit to an employee’s physician.
 - b. Notifies SAIF, Salem Office, within 24 hours of any serious disabling injuries.
 - c. Completes the Employer’s section of SAIF (form 801) and submits to SAIF no later than 5 days of date of accident.
 - d. Works with employee and supervisor to assist an employee in returning to work as soon as possible if injury results in time loss.
 - e. Maintains permanent record of injury reports and claims filed.

Corrected 2/06/15

Oregon School for the Deaf

Code: **EBC/EBCA**
Adopted:

Emergency Procedures and Disaster Plans

The Director will develop and maintain a plan specifying procedures to be used in such emergencies as disorderly conduct, unlawful assembly, disturbances at school activities, natural disasters, fire, illness or injury of a student or staff member, and use of force on school property. The Director will consult with community and county agencies while developing this plan.

The school's Emergency Procedures Plan will meet the standards of the State Board of Education.

Copies of the Emergency Procedures Plan will be available in the school office and other strategic locations throughout the school. Parents will be informed of the school's plan for the care of students during an emergency situation.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 431.264 \(2\)\(e\)](#)

[ORS 433.260](#)

[ORS 433.441](#)

[OAR 437-002-0161](#)

[OAR 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 581-016-0840](#)

[OAR 581-022-0705](#)

Emergency Drills

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

The school is required to instruct and drill students on emergency procedures so that students can respond to emergencies without confusion and panic. The emergency procedures shall include instruction and drills on fires, earthquakes, which shall include tsunami procedures in a coastal zone and safety threats.

Instruction and drills on fires, earthquakes and safety threats for students, shall be conducted for at least 30 minutes each school month. **The school will conduct monthly fire drills. At least one fire drill will be held within the first 10 days of the school year.** At least two drills on earthquakes and two drills on safety threats shall be conducted each year.

Fire Emergencies

Drills and instruction on fire emergencies shall include routes and methods of exiting the school building.

Earthquake Emergencies

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

Safety Threats

Drills and instruction on safety threats shall include appropriate actions to take when there is a threat to safety, such as lockdown procedures or other procedures appropriate to the safety threat.

Local units of government and state agencies associated with emergency procedures training and planning shall review the emergency procedures.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 336.071](#)

[OAR 581-016-0840](#)
[OAR 581-022-1420](#)

Oregon School for the Deaf

Code: **EBCD**
Adopted: 8/01/07
Orig. Code(s): None

Emergency Closures and Essential Personnel

The Oregon School for the Deaf (OSD) is a residential school and therefore functions under procedures and policies that differ from those of public school districts. Inasmuch as students are usually on campus when weather emergencies occur, normal staff coverage is necessary. Therefore, at times of inclement weather, these guidelines are to be followed:

1. All staff at the school are expected to meet their regular shifts for duty.
2. If it is impossible to report to work for any or all of your work shift, contact your immediate supervisor as soon as possible but at least one hour before your regular reporting time. One of the following options will be chosen to cover the time off, depending on the employee's collective bargaining agreement:
 - a. Personal leave;
 - b. Vacation leave (classified employee only);
 - c. Leave without pay;
 - d. Comp time (classified employee only).
3. Staff are encouraged to come in for part of their shift if the weather or conditions permit.

Essential Personnel

The OSD Director may designate essential personnel who, by the nature of their assigned duties, are essential to school operations during curtailment or closure of school operations. Designated employees are notified that they have been identified as essential personnel and are required to report, as directed, regardless of closure or curtailment. The OSD shall provide essential personnel with instructions on how to proceed in the event of closure or curtailment.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)

[OAR 581-016-0760](#)
[OAR 581-016-0840](#)
[OAR 581-016-0870](#)

[OAR 581-022-1420](#)
[OAR 581-022-1620](#)
[OAR 581-053-0004](#)

Corrected 2/06/15

Emergency Closures and Essential Personnel – Procedures

1. The OSD shall have two plans for curtailment or closure of operations. Plan “A” will be used when no students are present on campus and no arriving students would be accepted. Plan “B” addresses curtailment of operations when students are present or would be accepted upon arrival.
2. Essential personnel for Plan “A” are the OSD Director, OSD Maintenance Supervisor and all of the maintenance staff. Maintenance staff shall report as scheduled to ensure the preservation of all school facilities.
3. Essential personnel for Plan “B” are all OSD personnel.
4. State employees are able to access information about the closure or curtailment of operations via the media. See DAS Statewide policy 60.015.01 - Temporary Interruption of Employment for a list of media outlets.
5. When the state of Oregon announces closure or curtailment of operations in the Salem area, OSD staff will have two means of accessing information concerning the plan that will be implemented.
 - a. The OSD phone messaging system will be changed to provide staff that choose to call with updated information.
 - b. The OSD Director shall notify all supervisors of the plan for operations. Each supervisor shall annually develop a phone tree as a means of distributing information for all of their staff.
 - c. The OSD website will carry an announcement regarding the information.
6. In the event that either Plan “A” or “B” is initiated, the facilities usage fees for all staff who remain on campus are waived for the duration of the casual event.

Corrected 2/06/15

Oregon School for the Deaf

Code: **ECAA**
Adopted: 6/17/04
Orig. Code(s): None

Identification Badges *(Effective 2015-2016 school year)*

Schools have an obligation to create and maintain a safe environment for all students and staff. One component of this is to restrict and/or document the access of individuals to those who have a legitimate need.

All staff at the Oregon School for the Deaf (OSD) are issued an identification badge with their picture that must be worn at all times during their work shift, whether on or off campus.

Volunteers, interns, student teachers and practicum students must wear a non-picture bearing ID badge that they receive when signing in and return when signing out.

An alternate process will be available for large group meetings.

END OF POLICY

Legal Reference(s):

[ORS 192.447](#)
[ORS 332.107](#)

[OAR 581-016-0870](#)

Identification Badges – Procedures

(Effective 2015-2016 school year)

Staff

1. Each employee is issued an ID badge with his/her picture on it. This includes OSD employees and contractual staff. Badges are issued at no cost to staff.
2. All employees will wear their ID badges in a location that can be seen by others throughout their work shifts. Staff do not need to wear their ID badges during break/meal times when not on the OSD campus.
3. Upon hire, the supervisor will arrange to have the staff member's picture taken for his/her ID badge with the officer supervisor. Until the permanent badge is ready, new employees will wear a non-picture bearing "Staff" badge.
4. Employees who do not have their ID badges will be required to wear non-picture bearing "Staff" badges.
5. Employees must report the loss of an ID badge to their supervisors. The replacement fee for an ID badge is \$5. ID badges that are damaged or otherwise unreadable, due to normal wear and tear, will be returned to the Office Supervisor for replacement at no cost. Employees wishing to have their picture updated may do so at their own expense by contacting the Officer Supervisor.
6. Employees will return their ID badges when terminating employment at OSD.

Visitors

1. Volunteers, parents and practicum students working less than two full days per week shall sign in and out on a daily basis. They will be issued a non-picture bearing "Visitor" ID badge.
2. These individuals shall wear the ID badges while on the OSD campus.

Student Teachers/Interns

1. Student teachers and interns who are scheduled for two or more days per week for a minimum of one quarter will be issued a non-picture bearing "Staff" ID badge at the beginning of their assignment.
2. Student teachers/interns are not required to sign in and out daily, but must wear their ID badges. These badges are returned at the end of the assignment.

Employees of Other Educational Organizations or Agencies

Representatives of educational organizations or agencies that wear school issued picture ID badges, that include their name and school/ESD/organization, need not wear an OSD “Visitor” badge. These individuals do need to sign in and out at the Administration Office.

Group Meetings

For group meetings that assemble participants in a single location on campus, the facilitator of the meeting will provide a written list of participants to the Administration Office. Participants not wearing picture ID badges will be provided with and wear a temporary “Hello my name is...” name badge while on campus.

Corrected 2/06/15

Oregon School for the Deaf

Code: **ECAB**
Adopted:

Vandalism/Malicious Mischief/Theft**

Students and citizens are urged to cooperate in reporting any incidents of vandalism, malicious mischief or theft and the name or names of the person or persons believed to be responsible.

Each employee will report to the Director or other person in authority incidents of vandalism, malicious mischief or theft and the name of the person or persons responsible, if known.

The Director will submit a report of any vandalism, malicious mischief or theft or damage to their school, to the facilities coordinator for the Oregon Department of Education.

The Director is authorized to sign a criminal complaint and to press charges against those committing acts of vandalism, malicious mischief or theft of or against school property. Because incidents of willful or malicious abuse, destruction, defacing and theft of school property are clearly contrary to the best interests of the school and injurious to the rights and welfare of the entire community, it is the policy of the Board to seek all legal remedies against persons found to have committed such acts. Full restitution for the damage will be sought from such persons, or, in the case of minors, from their parents. Until such fees or restitutions are paid, certain restrictions and/or penalties may be imposed. Records requested by another district to determine a student's appropriate placement may not be withheld.

Students who willfully destroy school property through vandalism, malicious mischief, theft or arson, who commit larceny or who create a hazard to the safety of other people on school property will be disciplined in accordance with state law and the Board's policy on student suspensions/expulsions and referred to law enforcement authorities.

END OF POLICY

Legal Reference(s):

[ORS 30.765](#)
[ORS 164.345](#)
[ORS 164.365](#)

[ORS 326.575](#)
[ORS 332.107](#)

[ORS 339.270](#)
[ORS 419C.680](#)

Oregon School for the Deaf

Code: **EDC/KGF**
Adopted:

Authorized Use of School Equipment and Materials

School materials and equipment will be used only for school purposes by school personnel on school properties.

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

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)
[ORS 332.107](#)

[OAR 584-020-0040](#)

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

Oregon School for the Deaf

Code: **EEACD**
Adopted: 4/29/10
Orig. Code(s): None

Type-10 Pupil Transporting Vehicles at OSD

In addition to the requirements set forth in Oregon Administrative Rules, the Oregon School for the Deaf (OSD) has set these requirements since the driver will be acting as a transporter of students, not only a van driver. The expectation of the driver is not just to drive but to be able to respond to unique situations in a professional manner. Examples of related duties include, but are not limited to, handling stressful situations such as mechanical breakdowns, traffic, accidents and unruly students.

Each required test has a mandatory waiting period between failures. This gives the tester time to work on mastering the content and helps ensure that the tester fully understands his/her driving requirements. If the applicant fails the first time, s/he must wait at least one week before trying the test again. If the applicant fails the test a second time, s/he must wait at least 28 days before taking the test again. If, for any reason, the applicant fails a third time, s/he must wait three months before being eligible to take the test again. If the applicant fails after the fourth attempt, further attempts will be at the discretion of the OSD Director or facilities supervisor.

OSD's Type 10 test is an open book test. The questions can be interpreted into ASL upon request. If a tester has questions about any of the book content, the OSD interpreter, transportation secretary, bus driver or maintenance supervisor can assist with up to two hours of 'tutoring' help.

In addition to Oregon Administrative Rules, the OSD expects the driver to be responsible for following the no food or drink rules in state vehicles, monitoring safety and stopping or returning to school, if it becomes necessary and for reporting vehicle vandalism. If an incident occurs, the appropriate discipline, SIR and/or witness/incident reports need to be filled out and submitted to a supervisor as soon as practically possible. A phone or text call should be made to the supervisor as soon as you are able to do so if the issue is more than a minor incident.

The school owns or leases vehicles, buses, vans, cars, for the purpose of staff use while on official school business. The vehicles are usually parked in or near the maintenance garage. The vehicles are cared for by maintenance staff.

END OF POLICY

Legal Reference(s):

[ORS 346.010](#)
[ORS 811.210](#)
[ORS 815.055](#)
[ORS 815.080](#)
[ORS 820.110](#)
[ORS 820.190](#)

[OAR 581-016-0870](#)
[OAR 581-053-0010](#)

[OAR 581-053-0220](#)
[OAR 581-053-0310](#)
[OAR 581-053-0320](#)
[OAR 581-053-0330](#)
[OAR 581-053-0340](#)
[OAR 581-053-0410](#)
[OAR 581-053-0420](#)
[OAR 581-053-0430](#)
[OAR 581-053-0440](#)

[OAR 581-053-0511](#)
[OAR 581-053-0521](#)
[OAR 581-053-0531](#)
[OAR 581-053-0540](#)
[OAR 581-053-0610](#)
[OAR 581-053-0620](#)
[OAR 581-053-0630](#)
[OAR 581-053-0640](#)
[OAR 735-102-0010](#)

Corrected 2/06/15

Vehicle Usage

1. Make sure that you are qualified (appropriate license) to drive the type of vehicle you request (check with the administration office).
2. Request for a vehicle should be marked on your activity form.
3. Pick up the key from the main office (during office hours) or the maintenance garage.
4. Sign out the vehicle using the clipboard inside the vehicle.
5. The vehicle key should be returned to main office/maintenance after your activity.

Reminders

1. If transporting students, do not allow them in the vehicle or the garage until you are there.
2. Seat belts must be used by all occupants at all times.
3. Consumption of food or drink is not allowed in state vehicles.
4. Smoking in vehicles is prohibited.
5. Family members may not ride in a school vehicle unless s/he is over 18 years of age and has prior written permission from your supervisor.
6. Students may not drive a school vehicle.
7. Observe all traffic laws. All state vans, up to a capacity of 10 individuals (including driver), must not exceed 55 miles per hour (MPH) even in designated 65 MPH speed zones. Motor Pool cars can be driven up to 65 MPH in designated zones. Any citations earned (including parking tickets) are the responsibility of the employee.
8. Staff are not to drive students in their own personal cars unless:
 - a. There are no school vehicles available;
 - b. You have your supervisor's permission; and
 - c. You have provided proof of insurance (such as liability and passenger hospitalization/injury coverage).

Corrected 2/06/15

Local Wellness Program

This policy has been developed jointly and collaboratively with a diverse group, including but not limited to, students, parents, teachers, residential staff, educational support service personnel, nutrition and health services staff, curriculum personnel and mid-level administrators.

These members were requested to participate from each of these areas to ensure well-rounded input.

This wellness policy is distributed to all students, parents and staff. Principals are requested to post this policy in a visible and accessible location in their schools and to ensure that students and staff are aware of and supportive of this policy. Reasonable accommodations are made so that blind, deaf, and native speakers receive equal access to this information. Professional development is provided so all employees throughout the schools are aware of, and are supportive of, the elements of this policy.

The Oregon School for the Deaf (OSD) conducts an annual evaluation of the effectiveness of this policy. This evaluation includes measures of public awareness of this policy. Program outcomes respond to one or more elements of this policy. The policy is evaluated for correlations to improvement in student attendance, achievement, health and the financial impact that this policy has on the school. Sources of data may include but are not limited to the student health services, school records and attendance records, parent/student/faculty surveys, etc. Both qualitative and quantitative data are studied. The findings of this evaluation are used to improve wellness efforts and outcomes for all concerned, especially the students we serve. This annual evaluation will be made public.

Continuing communications with the community about school efforts related to healthy eating and physical activity are also important. Communication may include the school newsletters, articles in the local newspapers, presentations at local community organization meetings and postings on the school's website.

Nutrition Education and Promotion

1. Nutritional education and promotion is integrated into other areas of the curriculum such as math, science, language arts, social studies and residential after-school instruction. It includes but is not limited to the following components:
 - a. Nutritional knowledge, including but not limited to the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements and safe food preparations, handling and storage.
 - b. Nutrition-related skills, including but not limited to planning a healthy meal, understanding and using food labels, and critically evaluating nutrition information, misinformation and commercial food advertising.
 - c. Assessment of personal eating habits and goal setting for improving and achieving goals.
 - d. Presentations by experts from outside the community to address topics as deemed appropriate.

- e. Enjoyable, interactive activities such as contests, promotions, taste testing, field trips and school gardens.
 - f. Adherence to the health standards approved by the Oregon Department of Education (ODE) for grades K-12. Supervising teachers are responsible for working with health teachers to assure this is done.
2. The teachers responsible for nutrition education are adequately prepared and participate regularly in professional development activities to effectively deliver an accurate education program as planned. Preparation and professional development activities provide basic knowledge of nutrition, combined with skill practice in program specific activities and instructional techniques and strategies designed to promote healthy eating habits.
 - a. The staff is responsible for maintaining their professional development in their respective areas.
 - b. School staff is encouraged to model healthy eating behaviors.
 3. Nutrition education information is reviewed by the Wellness Policy Committee in conjunction with any professional agencies as deemed necessary.
 4. Nutrition education involves sharing information with families, students, staff and the broader community to positively impact students and the health of the community.
 5. OSD staff provides information to families that encourage them to teach their children about health and nutrition and to provide nutritious meals for the families.
 6. Students are encouraged to start each day with a healthy breakfast, and continue to make informed nutritional choices while on campus.
 7. Students use school stores as an educational tool, to learn more about nutrition and choices involving nutrition. The school stores will serve items in accordance with federal and state laws.

Nutrition Guidelines

All food and beverage items sold in a K-12 public school as part of the regular or extended school day shall meet the minimum state and federal standards. Exceptions to this requirement include items that are part of the USDA National School Lunch Program or School Breakfast Program. Other exceptions are foods and beverages provided in the following instances:

1. When the school is the site of school-related events or events for which parents and other adults are a significant part of an audience; or
2. The sale of food or beverage items before, during or after a sporting event, interscholastic activity, a play, band or choir concert.

Although the Board believes that the school's nutrition and food services operation should be financially self-supporting, it recognizes that the nutrition program is an essential educational and support activity. Therefore, budget neutrality or profit generation must not take precedence over the nutrition needs of its students. In compliance with federal law, the school's NSLP and SBP shall be nonprofit.

The Director is directed to develop administrative regulations to implement this policy that address all food and beverage items sold and/or served to students in the schools, including provisions for staff development, family and community involvement and program evaluation. These food and beverage items include competitive foods, snacks and beverages sold from vending machines and school stores, and similar food and beverage items from fund-raising activities and refreshments that are made available at school parties, celebrations and meetings.

Physical Activity Goals

The primary goals for our schools' physical activity components are:

1. Provide opportunities for every student to develop the knowledge and skills for specific physical activities;
2. Maintain students' physical fitness;
3. Ensure students' regular participation in physical activity;
4. Teach students the short- and long-term benefits of a physically active and healthful lifestyle.

Physical Activity

1. Students accumulate at least 60 minutes of physical activity on all or most days of the week. This is accomplished through several segments of physical activity lasting 15 minutes or more each day.
2. Extended periods of inactivity (periods of two or more hours) are discouraged.
3. OSD schedules provide daily recess periods (as appropriate) of at least 20 minutes for all elementary school students.
4. Teachers, aides, and other school partners are encouraged to creatively engage students in physical activity in the context of other classroom exercises and after-school experiences.
5. Students are supported in setting and meeting personal fitness goals that result in the achievement and maintenance of a health enhancing level of physical fitness.
6. OSD provides opportunities for staff to be well ness role models by making school facilities available for activities that promote improved physical fitness.
7. OSD provides a physical and social environment that encourages safe and enjoyable physical activity for all students, including those who are not athletically gifted. Students have opportunities to participate in lifetime physical activities.
8. Wellness Policy goals are considered in planning school-based activities (such as school events, field trips, dances and assemblies).

Physical Education

1. Physical Education courses are the environment where students learn, practice and are assessed on developmentally appropriate motor skills, social skills and knowledge.
2. Physical activity involves bodily movement that results in an expenditure of energy of at least a moderate intensity level and for duration sufficient to provide a significant health benefit for students and encourage healthy active lifestyles.
3. Physical Education curriculum (as appropriate) is sequential and consistent with the physical education standards (common curriculum goals, content standards, benchmarks, expanded core curriculum) approved by the Oregon Department of Education for grades K- 12.
4. Physical education includes the instruction of individual activities as well as competitive and noncompetitive sports to encourage life-long physical activity.
5. Supervising Teachers ensure that qualified physical education teachers teach all physical education courses.
6. OSD provides at least 200 minutes of physical education class per week for elementary and middle school students and one credit (one year) for high school students.
7. Age and developmentally appropriate equipment is available for all students to participate in physical activity.
8. Physical activity facilities on school grounds are safe.

School Employee Wellness

The school encourages school staff to pursue a healthy lifestyle that contributes to their improved health status, improved morale and a greater personal commitment to the school's overall wellness program. Many actions and conditions that affect the health of school employees may also influence the health and learning of students. The physical and mental health of school employees is integral to promoting and protecting the health of students and helps foster their academic success. The school's employee wellness program will promote health and reduce risk behaviors of employees and identify and correct conditions in the workplace that can compromise the health of school employees, reduce their levels of productivity, impede student success and contribute to escalating health-related costs such as absenteeism.

The school will work with community partners to identify programs/services and resources to compliment and enrich employee wellness endeavors.

SETTING GOALS FOR OTHER SCHOOL-BASED ACTIVITIES

Designed to Promote Student Wellness

The goal is to create a total school environment that is conducive to healthy eating and being physically active.

Dining Environment

OSD makes drinking fountains available in all buildings, so those students can get water during meals and throughout the day.

Time to Eat

1. OSD schedules mealtime at appropriate times throughout the day.
2. OSD schedules recess for elementary school before lunch so that children will come to lunch less distracted and ready to eat, to the extent scheduling allows.

Consistent School Activities and Environment

1. OSD staff ensures that all schools' fund raising efforts are supportive of healthy eating.
2. OSD staff provides opportunities for on-going professional training and development for food service staff, non-teachers, teachers and dorm staff in the areas of nutrition and physical education.
3. OSD makes an effort to keep school or school-owned physical activity facilities open for use by students and staff outside school hours.
4. OSD staff encourages parents, teachers, residential counselors, school administrators, students, food service professionals, and community members to serve as role models in practicing healthy eating and being physically active, both in school and at home.
5. OSD staff encourages and provides opportunities for students, teachers, non-teaching staff and community volunteers to practice healthy eating and serve as role models in school dining areas.
6. OSD staff provides information and outreach materials about other food and Nutrition Service programs.
7. OSD staff encourages all students to participate in school meal programs, including breakfast, lunch dinner and snacks, and limit off-campus lunch trips.
8. OSD staff provides parents/guardians a list of foods that meet the schools' snack standards and ideas for healthy celebrations/parties, rewards and fund raising activities.

Building Capacity for the Realization of this Policy

OSD authorizes a "Wellness Implementation Group" (WIG) to be formed that is representative of those engaged in the development of the initial policy. The purpose of this advisory board is to provide input regarding the ongoing implementation of this policy. This input is based on evaluation results shared on an annual basis with the advisory board. The advisory board also assists OSD in developing recommendations on sources of programming and funding support. This may be necessary to ensure each element of the policy is fully realized.

To encourage full programmatic implementation of this policy, WIG is established representing interested staff members. This team serves as liaisons, reporting back to the Director. In turn, the Director reports to

ODE as requested on the progress of the overall wellness policy, its associated programs and the Wellness Committee's recommendations on continuing progress. This team is responsible for initiating the evaluation request annually and for ensuring that the evaluation is shared with the Director, school and the ODE.

To ensure the policy is implemented at the school level, the WIG plans carefully across time for specific activities within the school. These activities emphasize the core elements of the School Wellness Plan identified within the five elements listed this policy. This ensures that a culture of health and wellness is established and maintained at the school.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 336.423](#)

[OAR 581-016-0870](#)
[OAR 581-051-0100](#)
[OAR 581-051-0305](#)

[OAR 581-051-0310](#)
[OAR 581-051-0400](#)

National School Lunch Program, 7 C.F.R. Part 210 (2006).
School Breakfast Program, 7 C.F.R. Part 220 (2006).
Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296 Section 204.

Local Wellness Program

The Oregon School for the Deaf's comprehensive age-appropriate nutrition program will be implemented in the school in accordance with the following requirements:

Definitions

1. "Accompaniment foods" means food items served along with another food to enhance palitablity such as butter, jelly, cream cheese, salad dressing, croutons and condiments.
2. "Combination foods" means products that contain two or more components representing two or more of the recommended food groups: fruit; vegetable; dairy; protein; or grains.
3. "Competitive foods" means any food or drink sold in competition with the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) during the school day.
4. "Dietary Guidelines for Americans" means the current set of recommendations of the federal government that are designed to help people choose diets that will meet nutrient requirements, promote health, support active lives and reduce chronic disease risks.
5. "Entree item" means an item that is either:
 - a. A combination food of meat or meat alternate and whole grain rich food; or
 - b. A combination food of vegetable or fruit and meat or meat alternate; or
 - c. A meat or meat alternate alone with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters and meat snacks (such as dried beef jerky); or
 - d. Grains only when served in the SBP.
6. "Food service area" means any area on school premises where NSLP or SBP meals are both served and eaten, as well as any areas in which NSLP or SBP meals are either served or eaten.
7. "Meal period" means the period(s) during which breakfast or lunch meals are served and eaten, and as identified on the school schedule.
8. "Nutrition education" means a planned sequential instructional program that provides knowledge and teaches skills to help students adopt and maintain lifelong healthy eating habits.

9. “Oregon Smart Snacks”¹ means the minimum nutrition standards for competitive foods and beverages.
- a. Food items, including accompaniment foods, must:
- (1) Be a grain product that contains 50 percent or more whole grains by weight or have as the first ingredient a whole grain (e.g., flour, flake or meal); or
 - (2) Have as the first ingredient, one of the non-grain major food groups: fruits; vegetables; dairy or protein foods (e.g., meat, beans, poultry, seafood, eggs, nuts, seeds); or
 - (3) Be a combination food that contains one-quarter cup of fruit and/or vegetable; or
 - (4) Have one of the food items above as a second ingredient if water is the first ingredient; or
 - (5) Contain 10 percent of the Daily Value of a nutrient of public health concern based on the most recent *Dietary Guidelines for Americans* (e.g., calcium, potassium, vitamin D or dietary fiber)²; and
 - (6) Meet all the competitive food nutrient standards:
 - (a) Calories:
 - (i) Snacks contain no more than:
 - 1) 150 calories as packaged or served for elementary level;
 - 2) 180 calories as packaged or served for middle school level;
 - 3) 200 calories as packaged or served for high school level.
 - (ii) Entrees contain no more than 350 calories as packaged or served.
 - (b) Total fat: contains 35 percent or less of total calories from fat per item as packaged or served.
 - (i) Exemptions to the total fat standard are granted for reduced fat cheese and part-skim mozzarella cheese, nuts, seeds, nut or seed butters, products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat and seafood with no added fat.
 - (c) Saturated fat: contains no more than 10 percent of total calories from saturated fat per item as packaged or served.
 - (i) Exemptions to the saturated fat standard are granted for reduced fat cheese and part-skim mozzarella cheese, nuts and products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat.

¹Oregon Department of Education, www.ode.state.or.us

²Effective for the period through June 30, 2016. Effective July 1, 2016, this criterion is obsolete and may not be used to qualify as a competitive food.

- (d) Transfat: contains 0 grams of trans fat per item as packaged or served.
- (e) Sugar must be no more than 35 percent by weight.
 - (i) Exempt from the sugar standard are:
 - 1) Dried whole fruits or vegetables;
 - 2) Dried whole fruit or vegetable pieces;
 - 3) Dehydrated fruits or vegetables with no added nutritive sweeteners; and
 - 4) Dried fruits with nutritive sweeteners that are required for processing and/or palatability purposes (i.e., cranberries, blueberries, tart cherries).
- (f) Sodium:
 - (i) Snacks contain no more than 230 mg sodium³ per item as packaged or served.
 - (ii) Entrees contain no more than 480 mg sodium per item as packaged or served.
- (g) Caffeine free, except for naturally occurring trace amounts, for elementary and middle school level.
- (h) Exempt from all nutrients standards on any day are:
 - (i) Fresh, canned and frozen fruits or vegetables with no added ingredients except water.
 - (ii) Fruit packed in 100 percent juice, extra light or light syrup.
 - (iii) Canned vegetables that contain a small amount of sugar for processing purposes.
- (i) Entrees in same or smaller portion served on the day or the day following in the National School Lunch or School Breakfast Programs:
 - (i) Are exempt from the nutrient standards for:
 - 1) Saturated fat;
 - 2) Transfat;
 - 3) Sodium; and
 - 4) Sugar.
 - (ii) Must contain:
 - 1) Calories not to exceed 450 per item as packaged or served; and

³On July 1, 2016, the sodium standard will reduce to 200 mg per item as packaged or served.

- 2) Total fat not to exceed 36 percent of total calories or 4 grams per 100 calories per item as packaged or served.

b. Beverages must be:

(1) For elementary level students:

- (a) Plain water, carbonated or uncarbonated, with portion size unlimited;
- (b) Lowfat milk (unflavored), with portion size not to exceed 8 ounces and 150 calories;
- (c) Nonfat milk (including flavored), with portion size not to exceed 8 ounces and 150 calories;
- (d) Nutritionally equivalent milk alternatives, portion size not to exceed 8 ounces and 150 calories;
- (e) Full strength fruit or vegetable juices, portion size not to exceed 8 ounces and 120 calories;
- (f) Caffeine free, except for naturally occurring trace amounts.

(2) For middle school level students:

- (a) Plain water, carbonated or uncarbonated, with portion size unlimited;
- (b) Lowfat milk (unflavored), portion size not to exceed 10 ounces and 190 calories;
- (c) Nonfat milk (including flavored), portion size not to exceed 10 ounces and 190 calories;
- (d) Nutritionally equivalent milk alternatives, portion size not to exceed 10 ounces and 190 calories;
- (e) Full strength fruit or vegetable juices, portion size not to exceed 10 ounces and 150 calories;
- (f) Caffeine free, except for naturally occurring trace amounts.

(3) For high school level students:

- (a) Plain water, carbonated or uncarbonated, with portion size unlimited;
- (b) Lowfat milk (unflavored), portion size not to exceed 12 ounces and 225 calories;
- (c) Nonfat milk (including flavored), portion size not to exceed 12 ounces and 225 calories;
- (d) Nutritionally equivalent milk alternatives, portion size not to exceed 12 ounces and 225 calories;
- (e) Full strength fruit or vegetable juices, portion size not to exceed 12 ounces and 180 calories;
- (f) Low or no calorie beverage is less than 5 calories per 8 ounce serving or less than or equal to 10 calories per 20 fluid ounces, portion size not to exceed 20 ounce serving;
- (g) Other beverages are not to exceed 40 calories per 8 fluid ounces (or 60 calories per 12 fluid ounces) with portion size not to exceed 12 ounces.

- c. Use the nutrient standard for the lowest grade group when mixed grades have open access to competitive foods.
10. “School day” means a student education day beginning at midnight and ending at the conclusion of afternoon student activities, such as athletic, music or drama practices, clubs, academic support and enrichment activities.
11. “Snack” means a food that is generally regarded as supplementing a meal and includes, but is not limited to, chips, crackers, onion rings, nachos, french fries, doughnuts, cookies, pastries, cinnamon rolls and candy.

Nutrition Promotion and Nutrition Education

Nutrition promotion and nutrition education shall focus on students’ eating behaviors, be based on theories and methods proven effective by research and be consistent with state and local health education standards. Nutrition education at all levels of the school’s curriculum shall include, but not be limited to, the following essential components designed to help students learn:

1. Age-appropriate nutritional knowledge, including the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, safe food preparation, handling and storage and cultural diversity related to food and eating;
2. Age-appropriate nutrition-related skills, including, but not limited to, planning a healthy meal, understanding and using food labels and critically evaluating nutrition information, misinformation and commercial food advertising; and
3. How to assess one’s personal eating habits, set goals for improvement and achieve those goals.

In order to reinforce and support school nutrition education efforts, the principal is responsible for ensuring:

1. Nutrition instruction is closely coordinated with the school’s nutrition and food services operation and other components of the school health program to reinforce messages on healthy eating and includes social learning techniques. To maximize classroom time, nutrition concepts shall be integrated into the instruction of other subject areas where possible;
2. Links with nutrition service providers (e.g., qualified public health and nutrition professionals) are established to: provide screening, referral and counseling for nutritional problems; inform families about supplemental nutritional services available in the community (e.g., SNAP, local food pantries, summer food services program, child and adult care food program), and implement nutrition education and promotion activities for school staff, Board members and parents;
3. In keeping with the school’s nutrition program goals, all classroom reward or incentive programs involving food items are reviewed for approval to ensure that the foods served meet the requirements of the school’s nutrition policy and regulation (i.e., all foods served fit in a healthy diet as

recommended in the *Dietary Guidelines for Americans*, and contribute to the development of lifelong healthy eating habits for the school's students);

4. Child Nutrition Staff support nutrition education by marketing healthy meals and providing nutrition information to students and families.

Physical Education/Activity

In order to insure students are afforded the opportunity to engage in physical activity in the school setting, the following guidelines apply:

1. Physical activity will be integrated across curricula and throughout the school day. Movement will be made a part of science, math, social studies and language arts;
2. Physical education will be a course of study that focuses on students' development of motor skills, movement forms and health related fitness;
3. Physical education courses will be the environment where students learn, practice and are assessed on developmentally appropriate motor skills, social skills and knowledge;
4. All physical education classes will be taught by highly qualified physical education instructors
5. A daily recess period will be provided which will not be used as a punishment or a reward and]
6. Physical education instruction shall be a sequential, developmentally appropriate curriculum that is designed, implemented and evaluated to help students develop the knowledge, motor skills, self management skills, attitudes and confidence needed to adopt and maintain physical activity throughout their lives.

Nutrition Guidelines and Food Services Operation

In order to support the school's nutrition and food services operation as an essential partner in the educational mission of the school and its role in the school's comprehensive nutrition program, the principal is responsible for ensuring:

1. The school encourages all students to participate in the school's NSLP and SBP meal opportunities;
2. The school notifies families of need-based programs for free or reduced-price meals and encourages eligible families to apply;
3. The school's NSLP, SBP and Special Milk Program (SMP) maintains the confidentiality of students and families applying for or receiving free or reduced-priced meals or free milk in accordance with the National School Lunch Act;
4. The school's NSLP, SBP and SMP operates to meet dietary specifications in accordance with the Healthy, Hunger-Free Kids Act of 2010 and applicable state laws and regulations;

5. The school sells or serves varied and nutritious food choices consistent with the applicable federal government *Dietary Guidelines for Americans*. Schools contracting out the food service part of their NSLP and SBP shall form a nutrition advisory committee comprised of teachers, students and parents to assist in menu planning. A nutrition committee comprised of students, family members and school personnel will be encouraged to provide input in menu planning for schools operating their own food service component of the NSLP and SBP (i.e., food services purchasing, menu planning, food production and meal service). Cultural norms and preferences will be considered;
6. Food prices set by the school are communicated to students and parents. School pricing strategies will encourage students to purchase full meals and nutritious items;
7. Procedures are in place for providing to families, on request, information about the ingredients and nutritional value of the foods served;
8. Modified meals are prepared for students with special food needs:
 - a. The school will provide substitute foods to students with disabilities upon written parental permission and a medical statement by a physician that identifies the student's disability, states why the disability restricts the student's diet, identifies the major life activity affected by the disability, and states the food or foods to be omitted and the food or choice of foods that must be substituted;
 - b. Such food substitutions will be made for students without disabilities on a case-by-case basis when the parent submits a signed request that includes a medical statement signed by a physician, physician assistant, registered dietitian or nurse practitioner. The medical statement must state the medical condition or special dietary need that restricts the student's diet and provide a list of food(s) that may be substituted in place of the lunch or breakfast menu being served.
9. Food service equipment and facilities meet applicable local and state standards concerning health, safe food preparation, handling and storage, drinking water, sanitation and workplace safety;
10. Students are provided adequate time and space to eat meals in a pleasant and safe environment. School dining areas will be reviewed to ensure:
 - a. Tables and chairs are of the appropriate size for students;
 - b. Seating is not overcrowded;
 - c. Students have a relaxed environment;
 - d. Noise is not allowed to become excessive;
 - e. Rules for safe behavior are consistently enforced;
 - f. Tables and floors are cleaned between meal periods;
 - g. The physical structure of the eating area is in good repair;
 - h. Appropriate supervision is provided.
11. The guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and sections 9(f)(1) and 17(a) of the Richard B. Russell

National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)), as those regulations and guidance apply to schools.

School Employee Wellness

The school employee wellness program may include the following:

1. Health education and health promoting activities that focus on skill development and lifestyle behavior that change along with awareness building, information dissemination, access to facilities, and preferably are tailored to employee's needs and interests;
2. Safe, supportive social and physical environments including organizational expectations about healthy behavior and implementation of policy that promote health and safety and reduce the risk of disease;
3. Linkage to related programs such as employee assistance programs, emergency care and programs that help employees balance work life and family life;
4. Education and resources to help employees make decisions about health care;
5. Nutrition and fitness educational opportunities that may include, but are not limited to, the distribution of educational and informational materials, and the arrangement of presentations and workshops that focus on healthy lifestyles, health assessments, fitness activities and other appropriate nutrition and physical activity related topics.

The school encourages participation from all employees, employees are not limited to instructional staff (i.e., teachers and instructional assistants) but include administrators and all support staff. The following groups are seen as essential for establishing, implementing and sustaining an effective school employee wellness program: school personnel who implement existing wellness programs in the school, i.e., school employee wellness committee and they may be the school personnel who implement health programs for students such as, but not limited to, school health coordinator, school nurses, psychologist, health and physical educators, nutrition professionals, counselors and other school staff. These groups may include decision makers who have the authority to approve policy and provide administrative support essential for a school wellness program such as, but not limited to, board members, directors, human resource administrators, fiscal services administrators and building principals.

Other School-Based Activities

The school will provide the following activities and encourage the following practices which promote local wellness:

1. Intramural sports;
2. Foodless fund raisers;
3. Jog-a-thon;

4. Assemblies which focus on wellness issues such as obesity and obesity-related diseases, healthy eating and the benefits of physical exercise; and
5. The use of alternates to food as rewards in the classroom.

Competitive Food Sales

In keeping with federal regulations, the school controls the sale of all competitive foods.

Accordingly, the school will select food items that meet the Oregon Smart Snacks nutrition standards.

The sale of foods and beverages in competition with the school's NSLP and SBP meals shall be permitted when all income from the food sales accrues to the benefit of the school's nutrition and food services operation or a school or student organization as approved by the Director.

Other Foods Offered or Sold

Foods and beverages sold or offered in classrooms or school-sponsored activities during the school day shall follow the Oregon Smart Snacks standards unless otherwise exempt by state law.

Food and beverage items sold after the school day as part of an approved school fund-raising event are not required to meet minimum state requirements.

Staff Development

Ongoing pre-service and professional development training opportunities for staff will be encouraged. Staff responsible for nutrition education will be encouraged to participate in professional development activities to effectively deliver the nutrition education program as planned. Nutrition and food services personnel receive opportunities to participate in professional development activities that address strategies for promoting healthy eating behavior, food safety, maintaining safe, orderly and pleasant eating environments and other topics directly relevant to the employee's job duties. The principal is responsible to ensure such training is made available including, but not limited to, the following:

1. Personnel management;
2. Financial management and record keeping;
3. Cost- and labor-efficient food purchasing and preparation;
4. Sanitation and safe food handling, preparation and storage;
5. Planning menus for students with special needs and students of diverse cultural backgrounds;
6. Customer service and student and family involvement;
7. Marketing healthy meals;

8. Principles of nutrition education, including selected curriculum content and innovative nutrition teaching strategies; and
9. Assessment by staff of their own eating practices and increased awareness of behavioral messages staff provide as role models.

Family and Community Involvement

In order to promote family and community involvement in supporting and reinforcing nutrition education in the schools, the principal is responsible for ensuring:

1. Nutrition education materials and cafeteria menus are sent home with students;
2. Families are invited to attend exhibitions of student nutrition projects or health fairs;
3. Nutrition education workshops and screening services are offered;
4. Nutrition education homework that students can do with their families is assigned (e.g., reading and interpreting food labels, reading nutrition-related newsletters, preparing healthy recipes, etc.);
5. School staff are encouraged to cooperate with other agencies and community groups to provide opportunities for student volunteer or paid work related to nutrition, as appropriate;
6. School staff encourages and provides support for parental involvement in their children's physical education; and
7. Physical activity is a planned part of all school-community events.

Program Evaluation

In order to evaluate the effectiveness of the local wellness program in promoting healthy eating, increased physical activity among students and to implement program changes as necessary to increase its effectiveness, the Director or designee is responsible for ensuring:

1. School policy and this administrative regulation are implemented as written;
2. All building, grade-level nutrition education curricula and materials are assessed for accuracy, completeness, balance and consistency with state and local educational goals and standards;
3. Nutrition education is provided throughout the student's school years as part of the school's age-appropriate, comprehensive nutrition program;
4. Teachers deliver nutrition education through age-appropriate, culturally relevant, participatory activities that include social learning strategies and activities;
5. Teachers and school nutrition and food services personnel have undertaken joint project planning and action;

6. Teachers have received curriculum-specific training;
7. Teachers provide physical activity instruction and programs that meet the needs and interests of all students;
8. Families and community organizations are involved, to the extent practicable, in nutrition education; and
9. One or more persons, as appropriate, will be charged with the operational responsibility of ensuring that the policy and administrative regulations are followed and will develop an evaluation plan to be used to assess the school's level of compliance with state and federal requirements.

Nutrition and Food Services

The school may enter into an agreement with the Oregon Department of Education (ODE) to operate the National School Lunch Program (NSLP) and the Commodity Food Distribution Program (CFDP) by signing a permanent Sponsor-ODE Agreement entitling the school to receive reimbursement for all meals that meet program requirements and to earn USDA Food entitlement based on the number of lunches served.

The permanent agreement shall be signed by the designee with authority to obligate the school to legally binding contracts, subject to annual ODE renewal and will include, at the school's option, an agreement to operate the School Breakfast Program (SBP), Summer Food Service Program (SFSP), the Child and Adult Care Food Program (CACFP) and the Special Milk Program (SMP). The school recognizes that meals and snacks served by the school will not be eligible for reimbursement until the annual program update is received and approved by ODE.

The permanent Sponsor-ODE Agreement shall include assurances by the school that it will follow all NSLP regulations regarding:

1. Free and reduced price process (updated annually);
2. Financial management of the nonprofit school food service;
3. Civil rights and confidentiality procedures;
4. Meal pattern and nutrition content of meals served;
5. Use and control of commodity foods;
6. Accuracy of reimbursement claims;
7. Food safety and sanitation inspections.

The Director will develop administrative regulations as necessary to implement this policy and meet the requirements of state and federal law. The regulation(s) will be reviewed and adopted by the State Board as required by law.

END OF POLICY

Legal Reference(s):

[ORS 327.520 to -327.535](#)

[OAR 581-051-0100](#)

[OAR 581-051-0400](#)

[OAR 581-016-0870](#)

[OAR 581-051-0305](#)

[OAR 581-051-0310](#)

Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance, 7 C.F.R. Part 15b (2001).

U.S.D.A., ELIGIBILITY GUIDANCE FOR SCHOOL MEALS MANUAL.

U.S.D.A., FNS INSTRUCTION 765-7 REV. 2: HANDLING LOST, STOLEN AND MISUSED MEAL TICKETS.

Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. 1751 §§ 203, 205.

Oregon School for the Deaf

Code: EFAA-AR
Adopted:

Reimbursable School Meals and Milk Programs (National School Lunch Program, School Breakfast Program, Special Milk Program)

The OSD's nutrition and food services will be operated in accordance with the following requirements:

Meal Pricing Procedures

1. The Oregon School for the Deaf (OSD) may operate the Special Milk Program (SMP) at school facilities where students do not have access to program meals. Under SMP, the OSD will choose one of the following options:
 - a. Nonpricing (serve SMP milk at no charge to all students);
 - b. Pricing programs without a free option (charge all students for SMP milk); or
 - c. Pricing programs with a free option (distribute confidential applications for free milk and charge only those students for SMP milk who do not qualify for free milk based on the household's application or direct certification from Supplemental Nutrition Assistance Programs (SNAP)).
2. Reimbursable meals and snacks will be priced as a unit.
3. Reimbursable meals, milk and snacks will be served free or at a reduced price to all children who are determined by the OSD to be eligible for free or reduced price meals and free milk.
4. Annually, the OSD will establish prices for reimbursable student meals, snacks and milk. The price charged to students who do not qualify for free or reduced price meals or free milk will be established annually by the OSD in compliance with state and federal laws.¹
5. The price charged to students who qualify for reduced price meals will be established annually by the OSD in compliance with state and federal laws.²

Application Procedures

1. Households receiving SNAP or Temporary Assistance to Needy Families (TANF) benefits as identified by Oregon Department of Education (ODE), will be automatically eligible for free meals,

¹The new requirement under Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. 1751 §§ 205 establishes new criteria for equity in school lunch pricing.

²According to Direct Certification and Certification of Homeless, Migrant and Runaway Children for Free School Meals, 7 C.F.R Part 245 (2011).

snacks and milk for the students listed on the official document. The OSD must access this document at least three times per year.

2. Households that submit a confidential application will be notified of their student's eligibility for free or reduced price meals or free milk. Households that are denied free or reduced price benefits will be notified in writing using the ODE template letter distributed to the OSD annually.
3. On a case-by-case basis, when a student is known to be eligible for free or reduced price meal or free milk benefits and the household fails to submit a confidential application, the Director or designee may complete an application for the student documenting how he/she knows the household income qualifies the student for free or reduced price meal benefits. Parents of a student approved for free or reduced price benefits, when application is made for the student by a school official, will be notified of the decision and given the opportunity to decline benefits.
4. Students who do not qualify for free or reduced price meals or free milk are eligible to participate in the SMP, National School Lunch Program (NSLP) and School Breakfast Program (SBP) and will be charged "paid" meal, snack and milk prices set by the OSD. "Paid" category students will be treated equally to students receiving free or reduced price benefits in every aspect of the OSD's NSLP, SMP and SBP.
5. The OSD has established a fair hearing process under which a household can appeal a decision with respect to the household's application for benefits or any subsequent reduction or termination of benefits.
6. In the event of major employers contemplating large layoffs in the attendance area of the OSD, the OSD will provide confidential applications and eligibility criteria for free and reduced price meals or free milk to the employer for distribution to affected employees.

Financial Management of the Nonprofit School Food Service

1. The OSD will maintain a nonprofit school nutrition and food service operation.
2. Revenues earned by the school nutrition and food services will be used only for the operation or improvement of NSLP, SMP and SBP.
3. Lunch and breakfast meals served to teachers, administrators, custodians and other adults not directly involved with the operation of the OSD's nutrition and food services will be priced to cover all direct and indirect cost of preparing and serving the meal.³
4. OSD nutrition and food services revenues will not be used to purchase land or buildings.
5. The OSD will limit its nutrition and food services net cash resources to an amount that does not exceed three months average expenditures.

³For meals with portion sizes equivalent to student meals, the adult meal price will be no less than the amount of reimbursement for a free-eligible meal, plus the value of commodity foods used in the meal preparation.

6. The OSD will maintain effective control and accountability for, and adequately safeguard, all nutrition and food services' cash, real and personal property, equipment and other assets, and ensure they are used solely for nutrition and food services purposes.
7. The OSD will meet the requirements for allowable NSLP, SMP and SBP costs as described in 2 C.F.R. 200.
8. In purchasing nutrition and food services goods or services, the OSD will not accept proposals or bids from any party that has developed or drafted specifications, requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions or other documents for proposals used to conduct the procurement.
9. All procurement transactions for nutrition and food services goods and services will be conducted according to state, federal and OSD procurement standards using the applicable cost thresholds.
10. In the operation of its nutrition and food services program, the OSD will purchase food products that are produced in the United States, whenever possible.

Civil Rights and Confidentiality Procedures

1. The OSD will not discriminate against any student because of his/her eligibility for free or reduced price meals.
2. The OSD will not discriminate against any student or any nutrition and food services employee because of race, color, national origin, sex, sexual orientation, religion, age or disability.
3. The OSD will assure that all students and nutrition and food services employees are not subject to different treatment, disparate impact or a hostile environment.
4. Established OSD procedures will be followed for receiving and processing civil rights complaints related to applications for NSLP, SMP and SBP benefits and services, and employment practices with regard to the operation of its NSLP, SMP and SBP. The OSD will forward any civil rights complaint regarding the OSD's nutrition and food services to ODE's civil rights coordinator within three days of receiving the complaint.
5. The OSD will make written or oral translations of all nutrition and food services materials available to all households who do not read or speak English.
6. The OSD will maintain strict confidentiality of all information on the confidential application for free and reduced price meals or free milk, including students' eligibility for free or reduced price meals and all household information. The OSD's NSLP, SMP and SBP operators are not required to release any information from a student's confidential application for free or reduced price meals or free milk. No information may be released from a student's confidential application for free or reduced price meals or free milk without first obtaining written permission from the student's parent or legal guardian/adult household member signing the application, except as follows:

- a. An individual student's name and eligibility status may be released without written consent only to persons who operate or administer federal education programs; persons who operate or administer state education or state health programs at the state level; persons evaluating state, education assessment; or persons who operate or administer any other NSLP, SBP, SMP, Summer Food Service Program (SFSP), Child and Adult Care Food Program (CACFP) or the Food Stamp Program;
- b. Any other confidential information contained in the confidential application for free and reduced price meals or free milk (e.g., family income, address, etc.) may be released without written consent only to persons who operate or administer NSLP, SBP, SMP, CACFP, SFSP and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); the Comptroller General of the United States for audit purposes; and federal, state or local law enforcement officials investigating alleged violation of any of the programs listed above.

Nutrition and Menu Planning

1. Meals and snacks served for reimbursement will meet the recommendations of the most current *Dietary Guidelines for Americans*.
2. Meals and snacks served for reimbursement will meet at least the minimum NSLP and SBP requirements for food items and quantities.
3. Meals served for reimbursement will:
 - a. Meet all calorie range requirements by grade level;
 - b. Meet the maximum standards set for saturated fat;
 - c. Meet the maximum standards set for sodium by grade level; and
 - d. Meet the requirement for zero grams of trans fats.
4. The OSD will use the offer versus serve option when serving NSLP lunches to senior high school students. High school students must take at least three of five different food items including one-half cup of fruit or vegetable offered in program lunches.
5. The OSD will use the offer versus serve option when serving program breakfasts to senior high school students. High school students must take at least three of four food items, including one-half cup of fruit or vegetable offered in program breakfasts.
6. The OSD will use the offer versus serve option when serving program lunches to students below senior high school grades. Students below high school grades will be required to take three of the five food items, including one-half cup of fruit or vegetable offered in program lunches.
7. The OSD will use the offer versus serve option when serving program breakfasts to students below senior high school grades. Students below high school grades will be required to take three of the four food items, including one-half cup of fruit offered in program breakfasts.

8. A copy of the Board minutes adopting the offer versus serve policy for students below high school grades for program lunches and/or for all students in the OSD for program breakfasts, as applicable, will be made available upon request.⁴

Use and Control of Commodity Foods

1. The OSD will accept and use commodity foods in as large a quantity as may be efficiently utilized in the reimbursable lunch and breakfast program.
2. The OSD will maintain necessary safeguards to prevent theft or spoilage of commodity foods.
3. The value of commodity foods used for any food production other than NSLP, SBP or snacks shall be replaced in the food service inventory.

Accuracy of Reimbursement Claims

1. The OSD will claim reimbursement only for reimbursable meals, snacks and milk served to eligible children.
2. All meals, snacks and milk claimed for reimbursement will be counted at each dining site at a “point of service” where it can be accurately determined that the meal meals, snacks and milk meets NSLP, SMP and SBP requirements for reimbursement.
3. The person responsible for determining reimbursability of meals and snacks will be trained to recognize a reimbursable meal and snack under the menu planning approach used at the school.
4. The OSD official signing the claim for reimbursement will review and analyze monthly meal, snack and milk counts to ensure accuracy of the claim, before submitting the claim to ODE.
5. Annually, by November 15, the OSD will verify a random sample of applications according to NSLP verification requirements. Instructions for completing the verification process will be sent by ODE to the OSD in October each year.

Food Safety and Sanitation Inspections

1. The OSD will maintain necessary facilities for storing, preparing and serving food and milk.
2. Semiannually, the OSD will schedule food safety inspections with the county Environmental Health Department or Oregon Department of Human Resources for each school or dining site under its jurisdiction.
3. The OSD will maintain health standards in compliance with all applicable state food safety regulations at each school or dining site under its jurisdiction.

⁴Modify the language of this item to be reflective of the options the OSD has selected for offer versus serve.

General USDA NSLP/SBP/SMP Requirements

1. The OSD will ensure that no student is denied a meal as a disciplinary action.
2. Breakfast will be served in the morning hours, at or near the beginning of the student's school day.
3. Lunch will be served between the hours of 10 a.m. and 2 p.m.
4. The OSD will provide substitute foods for students who are determined by a licensed physician to be legally disabled and whose disability restricts their diet. Substitutions will be provided only when a medical statement from the licensed physician is on file at the school. The medical statement must state the nature of the child's disability and how the disability affects the child's nutrition needs, and it must provide a medical prescription for substitute foods or texture modification. The OSD will not charge more than the price of the school meal, as determined by the child's eligibility status, for substitute meals or foods.
5. The OSD will control the sale of competitive foods.
6. The OSD will ensure that potable drinking water will be available to students, free of charge for consumption in the place where meals are served during meal service.⁵
7. The sale of foods in competition with the OSD's lunch (NSLP) or breakfast (SBP) programs will be allowed in dining sites during lunch and breakfast periods with Board approval only when all income from the food sales accrues to the benefit of the OSD's nutrition and food services or accrues to a school or student organization approved by the Director. A copy of the Board minutes approving and defining competitive food sales will be made available upon request.

Record Keeping

1. All currently approved and denied confidential applications for free and reduced price meals, free milk and all current direct certification documents will be maintained for three years after the current school year. Records will be maintained longer in the event of an unresolved audit(s), until the audit(s) has been completed.
2. All currently approved and denied confidential applications for free and reduced price meals, free milk and all current direct certification documents will be readily retrievable by school or site and made available to state or federal reviewers upon request.
3. The OSD will maintain financial records that account for all revenues and expenditures of the nonprofit school nutrition and food services programs for a period of three years after the school year to which they pertain.

⁵New requirement under Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. 1751 §§ 203.

OREGON SCHOOL FOR THE DEAF

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 Naming School Facilities or School Rooms. [FF-AR](#)

The following symbol is used on some policies:

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

Oregon School for the Deaf

Code: **FF**
Adopted: 6/04/96
Orig. Code(s): None

Naming of School Facilities or School Rooms

The Oregon School for the Deaf (OSD) campus buildings, meeting rooms or campus areas may be named after any of the following:

1. A person who has made significant contribution to OSD or to the field of Deafness;
2. A geographic area (e.g. the Oregon Room);
3. Famous place related to Deafness or similar places, (e.g. National Technical Institute for the Deaf (NTID)).

END OF POLICY

Legal Reference(s):

[ORS 343.055\(1\)](#)
[ORS 346.010](#)

Oregon School for the Deaf

Code: **FF-AR**
Revised/Reviewed: 5/01/01
Orig. Code(s): None

Naming School Facilities or School Rooms

1. An individual or group may recommend that a building/meeting room or campus be “named.”
2. Recommendations will be sent to the OSD Director.
3. The Director will appoint a screening committee to review the recommendations. This committee will have five members consisting of:
 - a. Student (SBG) representative;
 - b. Parent¹ representative;
 - c. Site council staff representative;
 - d. At-large representative;
 - e. OSD Director.
4. Recommendations for names must include reasons (at least one paragraph) for the recommendation.
5. The committee will submit final recommendations to the Director.

Corrected 2/06/15

¹Parent should be of a student currently enrolled at Oregon School for the Deaf in good standing.

OREGON SCHOOL FOR THE DEAF

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The following symbol is used on some policies:

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

Oregon School for the Deaf

Code: **GBA**
Adopted:

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the school regardless of race, color, religion, sex, sexual orientation¹, national origin, marital status, age, veterans' status², genetic information and disability if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The Director 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 Director 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 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 Director 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 659A.006	OAR 581-021-0045
ORS 192.630	ORS 659A.009	OAR 581-022-1720
ORS 243.672	ORS 659A.029	OAR 839-003-0000
ORS 326.051	ORS 659A.030	OAR 839-006-0435
ORS 332.107	ORS 659A.109	OAR 839-006-0440
ORS 342.934	ORS 659A.142	OAR 839-006-0445
ORS 343.055(1)	ORS 659A.145	OAR 839-006-0450
ORS 408.225	ORS 659A.233	OAR 839-006-0455
ORS 408.230	ORS 659A.236	OAR 839-006-0460
ORS 408.235	ORS 659A.309	OAR 839-006-0465
ORS 659.850	ORS 659A.321	
ORS 659.870	ORS 659A.409	
ORS 659A.003	ORS 659A.805	

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).

¹Sexual 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.

²The 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.

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (2006).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 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).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments act of 2008.
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.
Title II of the Genetic Information Nondiscrimination Act of 2008.

Staff Ethics

I. Conflict of Interest

No school employee will use his or her 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 school employee.

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 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 school employee may serve as a Board or budget committee member for the Oregon Department of Education.
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 school facilities, equipment or materials in performing outside work;
6. 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, 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 school:

1. A 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;
2. A 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;
3. More than one member of an employee’s family may be hired as a regular school employee. In accordance with Oregon law, however, the 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.

In the *conflict of interest context*, a “member of the household” means any person who resides with the employee and “relative” means:

1. The employee’s spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;
2. The spouse of the employee’s parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.

II. Gifts

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 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.

¹The term spouse includes domestic partner.

2. “Relative” means:
 - a. The employee’s spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;
 - b. The spouse of the employee’s parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.
3. “Member of the household” means any person who resides with the employee.

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 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 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 payor 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 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 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:

1. 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
2. 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" 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 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 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 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 659A.309](#)

[OAR 199-005-0003](#) to -199-020-0020
[OAR 584-020-0040](#)

[ORS 332.016](#)

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

Staff Ethics

School employees are allowed financial benefits as identified in ORS 244.040(2), such as their official compensation package, reimbursed expenses, limited honoraria and unsolicited awards for professional achievement. School employees are prohibited from using or attempting to use his/her position to obtain a financial gain or to avoid a financial detriment for the school employee, a relative or member of the household of the employee, or any business with which the employee or a relative or member of the household of the employee is associated, if the opportunity for financial gain or avoidance of a financial detriment would not otherwise be available but for the employee's position with the school. Specifically, this means that:

1. Employees will not use school equipment for personal use, unless it is available to a significant segment of the general public. This includes, but is not limited to, the personal use of the school's:
 - a. Fax machine¹;
 - b. Phones to make long distance personal calls;
 - c. School vehicles;
 - d. Professional technology equipment (e.g., wood shop, automotive shop, CAD); and
 - e. Athletic facilities (e.g., pool or weight room).

Further, the school's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests. For example, the school's computer cannot be used to sell products on an auction website during school hours.

2. When employees are traveling on official school business, any gift given because of this travel must be either declined or passed on to the school for use for future school travel. For example, if the hotel where the employee is staying gives the employee a free night's stay on a future visit, this must be declined or given back to the school for future school travel. The frequent flyer miles earned when traveling on official school business can only be used for school travel. If the employee's spouse is traveling with the employee, the employee is responsible for all additional charges (i.e., additional room charge).
3. Employees may not use personal credit cards for school travel or other school business and receive incentives such as cash reimbursements, frequent flyer miles and other benefits based upon the dollar amount of purchases made.
4. Employees may not use discounts offered by private companies for the employee's personal benefit if the discount is only offered because of the employee's official position. For example, an office supplies store provides all teachers a 10 percent discount. Because the teachers are receiving this

¹The school could establish a fee schedule that would allow only school employees to pay for the personal use of the school fax machines. If the school established a fee schedule for the use of fax machines the fee schedule must be equal to or exceed the prevailing rates offered at commercial businesses.

discount only because of their official position, they cannot use the discount to purchase personal items. Teachers may use the discount to purchase items for school use. Employees can also accept the discount if it is also available to a substantial segment of the population who are not public officials.

5. Employees may accept free passes to school extracurricular events if they are attending these events in their official capacity (i.e., chaperoning, ticket sales or managing concession sales). In order to promote employee participation in extracurricular activities, the school may include free passes in employees' official compensation packages or employees may be reimbursed by the school for the cost of admission.
6. The employee's school position is not to be used to take official action that could have a financial impact on a private business with which the employee, a relative or member of the employee's household are associated. For example, if the employee's brother owns a pest-control business which is seeking a contract with the school, the employee must declare an actual conflict of interest, in writing, describing the nature of the conflict, and provide this to the employee's supervisor.
7. Confidential information gained as a school employee is not to be used to obtain a financial benefit for the employee, a relative or member of the public official's household or a business with which any are associated. For example, the employee should not use the information that a student in his/her class is falling behind in math to provide the parents a referral to the employees' sister's tutoring business.
8. School employees who mentor student teachers may not receive direct payments from sponsoring colleges or universities. The payment may be provided by the college or university to the school, which can then distribute the compensation to the teachers as an element of their official compensation package.
9. School employees must follow Oregon Government Ethics Commission guidelines for outside employment if the employee acts as a chaperone for student group trips on personal time and the school employee accepts compensation in the form of travel expenses from a private business or organization. Specifically, school employees must conduct all activities related to the trip on personal time and cannot use the classroom or school environment to plan the off-campus trip. Employees may use school facilities for this purpose only if they comply with the school's public use of facilities policy. It is not an ethics violation to accept reasonable expenses for accompanying students on an education trip.

These restrictions do not apply if the teacher is chaperoning students on a fact-finding mission that is officially sanctioned by the Board. The definition of a "fact-finding mission" is, in part, any activity related to a cultural or educational purpose. *See* OAR 199-005-0020(3)(a). The school employee must be directly and immediately associated with the event or location being visited. If a school employee only acts as a chaperone and does not provide instruction or guidance for the students in language usage or cultural events, the trip may not meet the requirements of ORS 244.020(6)(H)(i). Further, the employee can only accept the reimbursement of reasonable travel expenses from the private company, not any further compensation.

These restrictions do not apply if the school compensates the school employee for chaperoning the trip.

Oregon School for the Deaf

Code: **GBCA**
Adopted: 5/25/12
Orig. Code(s): None

Dress Code

The Oregon School for the Deaf's (OSD) interest in establishing a business casual dress code is to allow our employees to work comfortably while providing a positive image and role model to students. We place our school in the best light by projecting a professional appearance. Business casual dress is the standard for this dress code except where the event dictates more formal attire (e.g., graduation, awards nights, IEPs, other business events) or less formal attire (e.g. assisting students in the pool). Because all casual clothing is not suitable for the office, these guidelines will help you determine what is and is not appropriate for a professional appearance at work.

Clothing that reveals cleavage, back, chest, stomach or underwear is not appropriate for a place of business, even in a business casual setting. Torn, dirty, wrinkled, unkempt or frayed clothing is unacceptable. Clothing with words, terms, or pictures that may be offensive to others is unacceptable. Clothing with our school logo is encouraged. Sports team, university, and fashion brand names on clothing are acceptable during casual activities such as coaching, taking students to the park or engaging in activities which are physically active. Certain days can be declared dress down days, generally during Spirit Days, clean up days or non-student contact days such as in-service. On these days, jeans and other casual, non-offensive clothing are allowed.

Guide to Business Casual Dressing for Work

This is a general overview of appropriate business casual attire. No dress code can cover all contingencies so employees must show good judgment in their choice of clothing to wear to work. If you are uncertain about acceptable, professional business casual attire for work, please ask your supervisor.

Slacks, Pants and Suit Pants

Slacks similar to "Dockers" and other makers of cotton or synthetic material pants and nice looking dress pants are acceptable. Inappropriate slacks or pants include non-dressy jeans, capris and all shorts regardless of length (except for casual events identified above), sweat pants, exercise pants, bib overalls, and spandex or similar form-accentuating pants.

Skirts, Dresses and Skirted Suits

Dresses and skirts that are split at or below the knee are acceptable. Dress and skirt length should be at a length where you can sit comfortable in public. Short, tight skirts that ride up the thigh are inappropriate for work. Mini-skirts, sun dresses and spaghetti-strap dresses are inappropriate for the office.

Shirts, Tops, Blouses and Jackets

Inappropriate attire for work includes tank and midriff tops; shirts with potentially offensive words, terms, logos, pictures or slogans; halter tops; sweatshirts and t-shirts unless worn under a blouse, shirt, jacket or dress. Sweatshirts are not considered business casual, making them appropriate for outside sports-type activities only.

Shoes and Footwear

Athletic or walking shoes, loafers, clogs, sneakers, boots, flats, dress heels and leather deck-type shoes are acceptable for work. Flip-flops and slippers are not acceptable. Shoes should not impede movement in case of emergency.

Perfume and Cologne

Remember, that some employees are allergic to perfumes, so wear these substances with restraint.

Hats and Head Covering

Hats are not appropriate in the office or classroom. Use of hats outside is acceptable (and reasonable in rainy Oregon).

Religious Dress

“Religious clothing” means religious dress worn in accordance with the employee’s sincerely-held beliefs, including but not limited to head coverings, jewelry, emblems and other types of religious dress.

In assessing whether the OSD may restrict or prohibit the wearing of religious clothing, the school will consider whether:

1. The employee’s intent of wearing the religious clothing or by wearing the clothing is likely to be perceived by students, parents or employees to indoctrinate or proselytize students and/or create the impression that the OSD endorses religion or the employee’s particular religious belief.
 - a. Specific factors to be considered when assessing employee’s intent and reasonable perception should include but not be limited to:
 - (1) The size and visibility of the religious clothing;
 - (2) The inclusion of any writing or symbols on the religious clothing that communicates a direct message;
 - (3) Any accompanying verbal statements or declarations of a religious nature that goes beyond a limited explanation of the religious significance or obligation associated with the wearing of the religious clothing;
 - (4) The number of employees requesting or wearing the same or similar religious clothing in the school; and

- (5) The reasonableness of this perception should take into account the age, background and sophistication of the student, parent or employee in the school who regularly encounters the employee.
2. The wearing of religious clothing disrupts the educational process, harasses, intimidates, coerces or otherwise interferes with the rights of students, parents or another school employee in the OSD.

Conclusion

OSD welcomes questions should there be any confusion regarding the appropriateness of clothing. If clothing fails to meet these standards, as determined by the employee’s supervisor, the employee will be counseled not to wear the item to work again. If the problem persists or the clothing is possibly offensive in the opinion of the supervisor, the employee may be sent home to change clothes and will receive a verbal warning for the first offense. All other policies about personal time use will apply. Progressive disciplinary action will be applied if dress code violations continue.

END OF POLICY

Legal Reference(s):

[ORS 243.650\(7\)](#)
[ORS 327.109](#)

[ORS 332.107](#)
[ORS 339.351](#)

[ORS 659.850](#)
[ORS 659A.030](#)

OR. CONST., art. I, § 5.
U.S. CONST. amend. I.

Stakeholders and Staff Communications

The school desires to maintain open communication channels between itself and the staff. The basic line of communication will be through the Director. However, this policy does not restrict protected labor relations communications of bargaining unit members. The Director will develop and recommend to the school, processes for communication between all stakeholders and school employees.

Communications or reports from any staff member or members should be submitted through the Director. This procedure will not be construed as denying the right of any employee to address the Oregon Department of Education about issues which are neither part of an active administrative procedure, nor disruptive to the operation of the school.

All official communications, policies and directives of staff interest and concern will be communicated to staff members through the Director. The Director will communicate as appropriate to keep staff fully informed of the stakeholders' concerns and actions.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[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).

Lebanon Education Association/OEA v. Lebanon Community School District, 22 PECBR 323 (2008).

Mother Friendly Workplace

The 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 Director or designee to take measures and develop regulations to ensure that all school employees shall be provided with an adequate location for the expression of milk or breast-feeding.

The Director or designee shall see that the 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 Director or designee 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 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.¹ If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the school.

¹The school should refer to their collective bargaining agreements to determine if the "rest period" is paid, nonpaid or a combination.

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 school facility and in the school's administrative office.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 653.077](#)

[ORS 653.256](#)

[OAR 839-020-0051](#)

Oregon School for the Deaf

Code: **GBEBA**
Adopted:

Staff - HIV, AIDS and HBV

The Oregon School for the Deaf (OSD) 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 HBV¹.

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

If the staff member reports his or her condition to the 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 OSD 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 OSD shall also develop procedures for rumor control, infection control and public relations/media.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 332.107](#)

[ORS 342.850\(7\)](#)

[ORS 433.008](#)

[ORS 433.045](#)

[ORS 433.260](#)

[OAR 333-017-0000](#)

[OAR 333-018-0000](#)

[OAR 333-018-0005](#)

[OAR 581-022-0705](#)

R3/01/10 | PH

Corrected 5/01/15

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

Oregon School for the Deaf

Code: **GBEBC/JHCCC/EBBAA**
Adopted:

Infection Control - HIV, AIDS, HBV

The school shall use standard precautions at all times for infection control. Each person is therefore treated as though an HIV, AIDS or HBV¹ infection exists.

The school shall develop an Exposure Control Plan that includes infection control procedures for staff and students.

Staff and students shall receive an annual in-service that includes correct procedures for cleaning up body fluid spills and for personal cleanup, appropriate disposal, immunization and personal hygiene, as well as the location and a content review of first-aid and clean-up kits. Kits shall be available for each room in the building and in each school vehicle.

In addition to an annual in-service, staff and students on a regular basis will receive HIV, AIDS and HBV information.

The information shall emphasize infection — how infection is spread as well as how it is not spread.

The school will cooperate with the Oregon Department of Education, the Oregon Department of Human Services, Health Services and the local health department in delivering HIV, AIDS and HBV education.

END OF POLICY

Legal Reference(s):

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)

[OAR 581-022-0705](#)
[OAR 581-022-1440](#)

[OAR 581-053-0240\(23\)\(c\)](#)
[OAR 581-053-0250\(1\)](#)

2/10/04 | NC

Corrected 7/10/15

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

Drug-Free Workplace

The 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.

4. Prohibitions

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

5. No 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 school duties; or knowingly endorse or suggest the use of such drugs.

6. Compliance with Policy

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

7. Sanctions and Remedies

- a. The 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 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:

- a. Observed abnormal behavior or impairment in mental or physical performance (e.g., slurred speech or difficulty walking);
- b. Direct observation of use in the workplace;
- c. The opinion of a medical professional;
- d. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by the employer;
- e. 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 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.

11. Establishment of Drug-Free Awareness Program

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

- a. Dangers of drug abuse in the workplace;
- b. Existence of, and content of this policy for maintaining a drug-free workplace;
- c. Availability of drug-counseling, rehabilitation and employee assistance programs; and
- d. Penalties that may be imposed for drug abuse violations occurring in the workplace.

12. Notification by Employee of Conviction

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

13. Notification by the Oregon School for the Deaf of Employee Conviction

The school shall notify the Oregon Department of Education 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.

14. Provision of Copy of Policy to Employees

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

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.107](#)
[ORS 336.222](#)

[ORS Chapter 475](#)
[ORS 657.176](#)
[ORS 809.260](#)

[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).

Drug and Alcohol Testing - Transportation Personnel

The Oregon School for the Deaf (OSD) is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The OSD or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education.

Accordingly, all employees subject to commercial driver license (CDL) requirements shall be prohibited from:

1. The use of drugs, unless a written prescription from a licensed doctor or osteopath is provided, including a statement advising that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle;
2. The use of alcohol including:
 - a. While on duty;
 - b. Eight hours before driving, in accordance with Oregon Administrative Rules;
 - c. Eight hours following an accident;
 - d. Consumption resulting in prohibited levels of alcohol in the system.

“Drugs” as used in this policy refer to controlled substances covered by OTETA, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered individuals offered employment with the OSD and OSD employees transferring to positions subject to OTETA shall be required to submit to pre-employment drug testing. Additionally, covered employees will be subject to reasonable suspicion, random and post-accident alcohol and drug testing. Return-to-duty and follow-up testing may also be required. The OSD will also require pre-employment alcohol testing in accordance with the following provisions:

1. All candidates for employment or transfer with the OSD and subject to OTETA requirements will be tested;
2. All tests will be conducted using the alcohol testing procedures of 49 C.F.R. Part 40;
3. Such tests must be conducted prior to the new or transferred employee's performance of safety-sensitive functions.

Pre-employment alcohol and drug testing costs will be paid for by the OSD. All drug and alcohol testing of employees, including reasonable suspicion, random, post-accident, return-to-duty and follow-up testing

costs, as applicable, will be paid for by the employee. The OSD will comply with collective bargaining agreement provisions.

All offers of employment or transfer to covered positions with the OSD will be made contingent upon testing results. An individual who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher will not be hired or transferred¹. The offer of employment or transfer will be immediately withdrawn.

An offer of employment or transfer will also be immediately withdrawn from any individual who refuses alcohol and drug testing.

Covered employees who, under the OSD's reasonable suspicion, random, post-accident, return-to-duty or follow-up testing program, test positive for drugs or test with a breath alcohol content level of 0.02 or higher, will be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy. Employees who refuse to comply with testing requirements will also be regarded as testing positive for drugs or testing with a breath alcohol content level of 0.02 or higher. Notification of available resources for evaluation and treatment will be made as required by law. Additionally, employees may be subject to CDL prohibitions and penalties under OTETA and applicable Federal Motor Carrier Safety Administration (FMCSA) regulations.

The OSD may, in its continuing effort to enhance safety, request a waiver of OTETA prohibitions against standing down an employee before the medical review officer (MRO) has completed the verification process as provided by 49 C.F.R. § 40.21(c). "Stand-down" means the practice of temporarily removing an employee from safety-sensitive functions based solely on a report from a laboratory to the MRO of a confirmed positive test for drugs, an adulterated test or a substituted test before the MRO has completed verification of the test results. The written waiver request will be directed to the appropriate Federal Motor Carrier Safety Administrator.

In accordance with the provisions of 49 C.F.R. § 40.21(c)(2), and in its ongoing effort to protect the interests of employees in fairness and confidentiality, the OSD will ensure:

1. The OSD's policy and administrative regulation are distributed to all covered employees;
2. No information about the confirmed positive, adulterated or substituted test results, or the reason for the employee's temporary removal from performing safety-sensitive functions, becomes available, directly or indirectly to others in the OSD or subsequently to another employer, other than the employee, the MRO and the designated OSD official;
3. All covered employees in a particular school job category are treated the same way with respect to "stand-down";

¹The OSD may elect to allow an individual who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher to reapply for OSD employment or transfer to a covered position at a later date. At that time, the individual will again be tested for the presence of drugs and alcohol, if required by the OSD. An OSD employee considered for transfer to an OTETA-covered position who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher will be subject to all school policies and regulations including the school's Drug-Free Workplace policy.

4. A covered employee will be subject to “stand-down” only with respect to the actual performance of safety-sensitive duties;
5. No adverse action affecting the employee’s pay and benefits will be taken pending the completion of the MRO’s verification process. This includes continuing to pay the employee during the period of the stand-down in the same way the OSD would have paid him/her had he/she not been stood down;
6. The verification process will commence no later than the time an employee is temporarily removed from the performance of safety-sensitive functions and that the period of “stand down” for any employee will not exceed five days, unless the OSD is informed in writing by the MRO that a longer period is needed to complete the verification process; and
7. In the event that the MRO verifies the test negative or cancels it:
 - a. The OSD will return the employee immediately to the performance of safety-sensitive duties;
 - b. The employee suffers no adverse personnel or financial consequences as a result; and
 - c. No individually identifiable record that the employee had a confirmed laboratory positive, adulterated or substituted test result is maintained. (The OSD will maintain a record of the test only as a negative or cancelled test.)

The OSD will not “stand down” employees in the absence of a waiver, or inconsistent with the terms of the waiver.

The OSD will establish a voluntary self-identification program consistent with OTETA requirements. Accordingly, an employee who admits to alcohol misuse or drug use will not be subject to certain referral, evaluation and treatment requirements, provided:

1. The admission is in accordance with the provisions of this policy;
2. The driver does not self-identify in order to avoid testing as required by OTETA;
3. The driver makes the admission prior to performing a safety-sensitive function (i.e., prior to reporting for duty);
4. The driver does not perform a safety-sensitive function until the OSD is satisfied that the employee has been evaluated and has successfully completed education or treatment in accordance with the OSD’s self-identification program guidelines.

Adverse action on the part of the OSD against any employee making a voluntary admission of alcohol misuse or drug use consistent with the provisions of this policy is prohibited. The OSD is committed to providing sufficient opportunity for the employee to seek evaluation, education or treatment to establish control over his/her drug or alcohol problem.

Following successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert (i.e., employee assistance professional, substance abuse professional or qualified drug and alcohol counselor) the employee will be permitted to return to duty. The OSD will ensure that prior to the employee participating in a safety-sensitive function, he/she shall be required to

undergo a return-to-duty testing with a result indicating a breath alcohol content level of less than 0.02 and/or a verified negative test result for drug use, as appropriate. The OSD may incorporate employee monitoring and include non-OTETA follow-up testing as part of its return-to-duty procedures under the OSD's self-identification program.

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)

[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)

[OAR 581-053-0620\(1\)\(d\)](#)

[OAR 581-053-0220\(3\)\(h\)](#)

[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)

SB 193 (2013)

[OAR 581-053-0230\(9\)\(t\)](#)

[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2006).

Communication with Parents

Positive communication with parents is one of the staffs' most important responsibilities. At the Oregon School for the Deaf (OSD) we believe that parents are the most important people in the students' lives, and that it is our job to actively involve them in the educational program for their child. Without parental support and cooperation, our job is made more difficult and our time and efforts will produce less effective results.

Phone calls and personal meetings are documented on the Parent Contact Form. The form is then turned in to the supervisor who will route it to other staff as necessary.

Schools are sometimes "caught in the middle" regarding custodial/visitation matters of students who have divorced or separated parents. At OSD, the staff attempts to keep both parents informed of school activities and will respond, when possible, to specific requests for information from either parent. Unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of the following authority as it relates to:

1. Receiving and inspecting education records and consulting with school staff concerning the student's welfare and education, to the same extent as provided the parent having sole custody;
2. Authorizing emergency medical, dental, psychological, psychiatric or other health care for the student if the custodial parent is, for practical reasons, unavailable.

It is the responsibility of the parent with sole custody to provide any court order that curtails the rights of the noncustodial parent at the time of enrollment or any other time a court order is issued. A parent with sole custody shall be requested to provide the school with written instructions regarding particular rights or privileges granted to the noncustodial parent.

Noncustodial parents will not be granted visitation or telephone access to the student during the school day. The student will not be released to the noncustodial parent.

In the case of joint custody, the school will adhere to all conditions specified and ordered by the court. The school may request in writing any special requests or clarifications in areas concerning the student and the school's relationship and responsibilities. The school will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)

[ORS 109.056](#)

[ORS 163.245 to -163.257](#)

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).

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

Weapons in Schools - Staff

Employees, Oregon School for the Deaf (OSD) contractors and/or their employees and OSD volunteers shall not possess a dangerous or deadly weapon or firearm on OSD property or at school-sponsored events. This prohibition includes those who may otherwise be permitted by law to carry such weapons.

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

1. “Dangerous weapon” - 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. “Deadly weapon” - any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. “Firearm” - 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 other destructive device including any explosive, incendiary or poisonous gas.

Weapons under the control of law enforcement personnel are permitted.

The Director will ensure notice of this policy is provided.

Employees in violation of this policy will be subject to discipline up to and including dismissal. Individuals contracting with the schools and volunteers will be subject to appropriate sanctions. A referral to law enforcement may be made.

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)
[ORS 166.210 to -166.370](#)
[ORS 332.107](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006).
Doe v. Medford Sch. Dist. 549C, 232 Or. App. 38, 221 P3d 787 (2009).

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

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

The use, distribution or sale of tobacco products or inhalant delivery systems by staff and all others is prohibited on school premises, in any building or facility, on school grounds, including parking lots, in any vehicle owned, leased, rented or chartered by the school, school or public charter 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 other 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 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 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 principal, 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 individuals removal from school property. The school reserves the right to restrict access to school property by individuals who are repeat offenders.

END OF POLICY

Legal Reference(s):

[ORS 167.400](#)
[ORS 332.107](#)
[ORS 336.222](#)
[ORS 336.227](#)
[ORS 339.240](#)
[ORS 339.250](#)

[ORS 339.883](#)
[ORS 431.840](#)
[ORS 433.835 to- 433.990](#)

[OAR 581-021-0050 to -0075](#)
[OAR 581-021-0110](#)

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

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

Personnel Records

An official personnel file will be established for each person employed by the Oregon Department of Education (ODE). Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers' compensation reports and release/permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

ODE will be responsible for establishing regulations regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions to be placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, school employees' personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee or designee may arrange with the ODE human resource office to inspect the contents of his/her personnel file on any day the ODE human resource office is open for business;
2. Others designated in writing by the employee;
3. The comptroller or auditor, when such inspection is pertinent to carrying out his/her respective duties, or as otherwise specifically authorized by the ODE. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. The Director and members of the central administrative staff;
5. School administrators and supervisors who currently or prospectively supervise the employee;
6. Employees of the ODE human resource office as identified by the director of the ODE human resource office;
7. Oregon Department of Justice staff for the school or the school's designated representative on matters of school business;

8. The disciplinary records¹ of a school employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502 and shall be released to any person upon request. Prior to the release of disciplinary records the school shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee who is not the subject of the disciplinary record;
9. Upon request from a law enforcement agency, the Department of Human Services or the Teachers Standards and Practices Commission, a school shall provide the records of investigations of suspected child abuse by an OSD employee.

The ODE human resource director may permit persons other than those specified above to use and to inspect personnel records when, in his/her opinion, the person requesting access has a legitimate official purpose. The ODE human resource director will determine in each case the appropriateness and extent of such access.

Release of personnel records to parties other than those authorized to inspect them will be only upon receipt of a court order.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 339.370 to -339.388](#)
[ORS 342.143](#)
[ORS 342.850](#)
[ORS 652.750](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).
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.

R8/30/05 | JW

Corrected 5/01/15; Corrected 8/05/15

¹Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.

Oregon School for the Deaf

Code: **GBM**
Adopted:

Staff Complaints

It is an unlawful employment practice for an employer to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment for the reason that the employee has in good faith reported information in a manner as to disclose employer violations of any federal or state law, rule or regulation, mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

The Director or designee will develop a complaint procedure which will be available for all employees who contend they have been subject to a violation, misinterpretation or inappropriate application of Oregon School for the Deaf (OSD) personnel policies and/or administrative regulations. The complaint procedure will provide an orderly process for the consideration and resolution of problems in the application or interpretation of school personnel policies.

The complaint procedure will not be used to resolve disputes and disagreements related to the provisions of any collective bargaining agreement, nor will it be used in any instance where a collective bargaining agreement provides a dispute resolution procedure. Disputes concerning an employee's dismissal, contract nonrenewal or contract nonextension will not be processed under this procedure.

Reasonable efforts will be made to resolve complaints informally.

Policy KL and KL-AR - Complaints will be used as the procedural timelines and steps under this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-016-0870](#)

[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).

Sexual Harassment – Staff

The Oregon Department of Education (ODE) is committed to the elimination of sexual harassment in the Oregon School for the Deaf (OSD) and at school-sponsored 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, Board members or third parties. “Third parties” include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in school business, such as employees of businesses or organizations participating in cooperative work programs with the school and others not directly subject to OSD control at interschool and intraschool athletic competitions or other school events. “School” includes: school facilities; school premises and nonschool property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events, where students are under the control of the school; or where the employee is engaged in school business. The prohibition also includes off duty conduct which is incompatible with school job responsibilities.

Sexual harassment 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 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 an employee’s ability to perform his/her job; or creates an intimidating, offensive or hostile 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 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 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 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 their principal, the Director or an ODE human resources staff member. Any student who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report concerns to a teacher, counselor, or school nurse or principal, who will promptly notify the appropriate school official. 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 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 ODE that appropriate corrective action will be taken by the 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 Director or the ODE.

Additionally, the 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 Director 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 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 school's policy shall be posted in all schools. Such posting shall be by a sign of at least 8 1/2" by 11".

The Director will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)

[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 581-016-0770](#)

[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 School, FDA-13-011 (March 27, 2014).

Sexual Harassment Complaint Procedure – Staff

Principals, or the Director will have 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 reported to the principal or the Director. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.
- Step 2 The school official receiving the information or complaint shall promptly initiate an investigation. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The 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.

A copy of the notification letter together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the Director.

- Step 3 If a complainant is not satisfied with the decision at Step 2, he/she may submit a written appeal to the human resources department at the Oregon Department of Education (ODE). Such appeal must be filed within 10 working days after receipt of the decision. The human resources department at ODE will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The human resources department at ODE shall provide a written decision to the complainant within 10 working days.

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 principal, compliance officer or the Director.

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 district office.

The ODE human resources staff member 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 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, as possible child abuse. In the event the Director is the subject of the investigation, reports, when required, shall be made by the assistant superintendent of student services from the Oregon Department of Education.

Oregon School for the Deaf
999 Locust St NE, Salem, OR 97301
(503) 378-3825

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____

Date: _____

Oregon School for the Deaf
999 Locust St NE, Salem, OR 97301
(503) 378-3825

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____

Date: _____

Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying – Staff

The Oregon Department of Education (ODE) is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, bullying, menacing and acts of cyberbullying of students, staff or third parties by students, staff or third parties toward staff are strictly prohibited and shall not be tolerated in the school. 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.

Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Director or the ODE. Students found in violation of this policy will be subject to discipline up to and including expulsion.

Individuals may also be referred to law enforcement officials. Licensed staff will be reported to Teacher Standards and Practices Commission, as provided by OAR 584-020-0041.

The Director is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures and provisions to ensure notice of this policy is provided to students, staff and third parties.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)

[ORS 163.197\(2\)](#)

[ORS 166.065](#)

[ORS 166.155 to -166.165](#)

[ORS 332.107](#)

[ORS 659A.030](#)

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

Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying Complaint Procedures – Staff

The following procedures shall be used for reporting, investigating and resolving complaints of hazing, harassment, intimidation, bullying, menacing and acts of cyberbullying.

Complaint Procedures

The Oregon School for the Deaf (OSD) Director has responsibility for investigations concerning hazing, harassment, intimidation, bullying, acts of cyberbullying or menacing. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any employee who has knowledge of conduct in violation of school policy GBNA - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying - Staff or JFCF – Hazing/Harassment/Intimidation/Menacing/Bullying/Cyberbullying/Teen Dating Violence – Student, shall immediately report his or her concerns to the OSD Director.

Any employee or third party who has knowledge of conduct in violation of school policy or feels he or she has been hazed, harassed, intimidated, bullied, menaced or cyberbullied in violation of school policy or this administrative regulation is encouraged to immediately report his/her concerns to the OSD Director.

Complaints will be promptly investigated in accordance with the following procedures:

- Step 1 Any hazing, harassment, intimidation, bullying, menacing or acts of cyberbullying information (complaints, rumors, etc.) shall be presented to OSD Director. Information may be presented anonymously. Complaints against the OSD Director shall be filed with the assistant superintendent of student services for the Oregon Department of Education (ODE). All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

- Step 2 The official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The 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 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 assistant superintendent of student services. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The assistant superintendent shall, within 10 working days, the complainant shall be given an opportunity to present the complaint. The assistant superintendent shall provide a written decision to the complainant within 10 working days.

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.

Documentation related to the incident may be maintained as a part of the employee's personnel file. Additionally, a copy of all hazing, harassment, intimidation, bullying, menacing or acts of cyberbullying complaints and documentation will be maintained as a confidential file in the school office.

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of school policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.