

## **Personal Electronic Devices and Social Media - Staff\***

Staff possession or use of personal electronic devices on school property, in school facilities during the work day and while the staff is on duty in attendance at school-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the Director and agency policy, Oregon Department of Education, policy No. 581-302 - Information Technology, Department Hardware and Software – Purchase and Use. At no time, whether on duty or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

A “personal electronic device” is a device not issued by the school and is capable of electronically communicating, sending, receiving, storing, recording, reproducing, and/or displaying information and data.

Personal electronic devices shall be silenced during instructional time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with work assignment. Devices which have the capability to take photographs or record video or audio shall not be used for such purposes while on school property or while a staff member is on duty at school-sponsored activities, unless as expressly authorized by the principal or designee for a use directly related to and consistent with the employee’s assigned duties. Computers, tablets, iPads or similar devices brought to school will be restricted to academic activities during on duty time.

The school will not be liable for loss or damage to personal electronic devices brought to school property and school-sponsored activities.

Staff members, while on duty and off duty, will utilize social media websites, public websites and blogs, judiciously by not posting confidential information about students, staff or district business.<sup>1</sup> Staff may not post images of OSD facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release. Staff members, while on duty and off duty, will treat fellow employees, students and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school. Communication with students using personal electronic devices will be appropriate and professional. Communication with students using personal electronic devices regarding nonschool-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically regarding school-related matters, staff should use OSD e-mail using mailing lists to a group of students rather than individual students. Texting students during work hours is prohibited. Texting students while off duty is strongly discouraged.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with Director or designee approval.

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<sup>1</sup>Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media.

Staff are subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social media websites, public websites and blogs, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal. A “disruption”<sup>2</sup> for purposes of this policy includes, but is not limited to, one or more parent threatens to remove their children from a particular class or particular school, actual withdrawal of a student or students from a particular class or particular school and/or a threatened or actual negative impact on the learning environment. The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.

Licensed staff are subject at all times to the Standards of Competent and Ethical Performance for Teachers.

The Director shall ensure that this policy is available to all employees.

END OF POLICY

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**Legal Reference(s):**

[ORS 167.057](#)  
[ORS 163.432](#)  
[ORS 163.433](#)  
[ORS 163.684](#)  
[ORS 163.686](#)  
[ORS 163.687](#)

[ORS 163.688](#)  
[ORS 163.689](#)  
[ORS 163.693](#)  
  
[ORS 163.700](#)  
[ORS 326.011](#)

[ORS 326.051](#)  
[ORS 332.072](#)  
[ORS 332.107](#)  
[ORS 336.840](#)  
  
[OAR 584-020-0000 to -0035](#)

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001).

Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).

Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

<sup>2</sup>Ibid. p. 1

# Oregon School for the Deaf

Code: **GCDA/GDDA**  
Adopted: 4/26/04  
Orig. Code(s): None

## **Criminal History Checks/Fingerprinting**

The safety of the Oregon School for the Deaf's (OSD) students is top priority. All employees and volunteers must successfully pass a criminal history background check before being hired and allowed to work on campus, and all staff or potential employees must undergo a fingerprinting check.

The Human Resources Office of the Oregon Department of Education (ODE) manages criminal history background check process for potential employees and volunteers. The Human Resources Office of the ODE manages the fingerprinting process for all staff or other potential employees. The OSD will follow the requirements of agency policy Oregon Department of Education Policy No. 581-212 - Required Background Investigations. The employee is responsible for paying the fee for the fingerprint check.

The educational entity (i.e., college, university, etc.) assigning practicum students, student teachers and/or interns manages this process. Verification of an acceptable criminal history check will be provided to the OSD director prior to the practicum, student teacher or internship commencing.

The Teacher Standards and Practices Commission (TSPC) manages criminal history background check and fingerprinting process for staff positions licensed by TSPC.

END OF POLICY

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

[ORS 181.555](#)  
[ORS 326.603](#)  
[ORS 326.607](#)  
[ORS 332.107](#)

[ORS 336.631](#)  
[ORS 342.143](#)  
[ORS 342.223 to -342.232](#)

[OAR 414-061-0010](#)  
[OAR 581-021-0500](#)  
[OAR 581-022-1730](#)  
[OAR 584-036-0062](#)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (2012).

Corrected 5/01/15; Corrected 6/03/15; Corrected 7/31/15

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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.

## **Freedom of Expression**

Students have a general right to freedom of expression within the school system. The school requires, however, that students exercise their rights fairly, responsibly and in a manner not disruptive to other individuals or to the educational process.

### **Freedom of Student Inquiry and Expression**

1. Generally, students and student organizations are free to examine and discuss questions of interest to them and to express opinions publicly and privately within the school system, provided such examination and expression is fair and responsible and is not disruptive to other individuals or to the educational process. Students may support or oppose causes by orderly means which do not disrupt other individuals or the operation of the school.
2. In the classroom, students are free to examine views offered in any course of study, provided such examination is expressed in a responsible manner.

### **Freedom of Association**

Students are free to organize associations to promote their common interests. Student organizations should be open to all students. Membership criteria may not exclude students on the basis of age, race, religion, color, national origin, disability, marital status, sex or sexual orientation. Each student organization must have a staff adviser to counsel and, when necessary, supervise students in the organization. All student organizations must submit to the school a statement of purpose, criteria for membership, rules and procedures and a current list of officers. School administrators may establish reasonable rules and regulations governing the activity of student organizations.

### **Publications K-8, Displays and Productions**

On occasion, materials such as leaflets, newsletters, cartoons and other items including displays and productions are prepared, produced and/or distributed by students as part of the educational process and free expression in an academic community. Materials may be subject to administrative review, restricted or prohibited, however, pursuant to legitimate educational concerns. Such concerns include:

1. The material is or may be defamatory;
2. The material is inappropriate based on the age, grade level and/or maturity of the audience;
3. The material is poorly written, inadequately researched, biased or prejudiced;
4. Whether there is an opportunity for a named individual or named individuals to make a response;

5. Whether specific individuals may be identified even though the material does not use or give names;
6. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, for example, if the material uses, advocates or condones the use of profane language or advocates or condones the commission of unlawful acts;
7. Students, parents and members of the public might reasonably perceive the materials to bear the sanction or approval of the school.

### **High School Student Journalists**

Generally, high school student journalists have the right to exercise freedom of speech and of the press in school-sponsored media. "School-sponsored media" means materials that are prepared, substantially written, published or broadcast by student journalists, that are distributed or generally made available, either free of charge or for a fee, to members of the student body and that are prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

School-sponsored media prepared by student journalists are subject to reasonable time, place and manner restrictions, pursuant to state and federal law. School-sponsored media cannot contain material that:

1. Is libelous or slanderous;
2. Is obscene, pervasively indecent or vulgar;
3. Is factually inaccurate or does not meet journalistic standards established for school-sponsored media;
4. Constitutes an unwarranted invasion of privacy;
5. Violates federal or state law; or
6. So incites students as to create a clear and present danger of:
  - a. The commission of unlawful acts on or off school premises;
  - b. The violation of school policies; or
  - c. The material and substantial disruption of the orderly operation of the school. A school official will base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

Modifications or removal of items may be appealed in writing to the Director. The Director shall schedule a meeting within three school days of receiving the written appeal. Those present at the meeting shall include the individual(s) making the appeal, the individual(s) who made the decision to modify or remove

materials and the director. At the Director's discretion, the school's legal counsel may also attend the meeting. The Director shall make his/her decision within three school days of the meeting. The Director's decision shall be final and binding on all parties.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.072](#)  
[ORS 332.107](#)  
[ORS 336.477](#)

[ORS 339.880](#)  
[ORS 339.885](#)

[OAR 581-021-0050](#)  
[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2006).  
Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).  
Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).  
U.S. CONST. amend. I; U.S. CONST. amend. XIV.  
OR. CONST., art. I, § 8.

## Teaching about Religion

Religious education is the responsibility of the home and religious institution and within the school shall remain the free choice of the individual, true to American heritage and the Constitution.

Religion influences many areas of education such as literature and history. Religion's role in civilization can and should be properly taught. Teachers may provide information and opportunity for students to study the forms of various religions. It is proper for teachers to teach about religion as opposed to teaching sectarian beliefs, although study of the Bible and other sacred documents as literary forms may inform students concerning particular sectarian belief.

Teachers shall be permitted to expose students to information concerning religions and religious beliefs, but teachers shall not promote or inhibit, openly or covertly or by subtlety, a particular religion or religious belief.

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)  
[ORS 336.035](#)

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

# Oregon School for the Deaf

Code: **IGACA**  
Adopted:

## **Recognition of Religious Beliefs and Customs**

It is accepted that no religious belief or nonbelief should be promoted by the school or its employees, and none should be disparaged. Instead, the school should utilize its opportunity to foster understanding and mutual respect among students and parents, whether it involves race, culture, economic background or religious beliefs. In the spirit of tolerance, students and staff members will be excused from participating in practices which are contrary to their religious beliefs without penalty.

The school recognizes that one of its educational goals should be to advance the students' knowledge and appreciation of the role that religious heritage has played in the social, cultural and historical development of civilization.

END OF POLICY

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

[ORS 336.067](#)

[ORS 339.420](#)

## **Recognition of Religious Beliefs and Customs**

### **Observances of Religious Holidays**

The practice of the school shall be as follows:

1. The several holidays throughout the year which have a religious and secular basis should be observed in the public schools;
2. The historical and contemporary values and the origin of religious holidays should be explained in an unbiased and objective manner without sectarian indoctrination;
3. Music, art, literature and drama having religious themes or bases are permitted and encouraged as part of the curriculum for school-sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday;
4. The use of religious symbols such as a cross, Menorah, crescent, Star of David, creche, symbols of Native American religions or other symbols that are a part of a religious holiday is permitted as a teaching aid or resource provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature. These holidays include Christmas, Easter, Passover, Hanukkah and Thanksgiving;
5. The school's calendar should be prepared to minimize conflicts with religious holidays of all faiths.

### **Religion in the Curriculum**

1. The school supports the inclusion of religious literature, music, drama and the arts in the curriculum and in school activities provided it is intrinsic to the learning experience in the various fields of study and is presented objectively.
2. The emphasis on religious themes in the arts, literature and history should be only as extensive as necessary for a balanced and comprehensive study of these areas. Such studies should never foster any particular religious tenets or demean any religious beliefs.
3. As curriculum and instruction includes theories, views and precepts, they will be represented as such, not as fact.
4. Student-initiated expressions to questions or assignments which reflect their beliefs or nonbeliefs about a religious theme shall be accommodated. For example, students are free to express religious belief or nonbelief in compositions, art forms, music, speech and debate.

## **Traditional Observances**

Traditions are a cherished part of the community life and the school expresses an interest in maintaining those traditions which have had a significance to the community. Such ceremonies should recognize the religious pluralism of the community.

Therefore, the practice of the school shall be as follows:

1. Because the baccalaureate service is traditionally religious in nature, it should be sponsored by the graduating senior class and the clergy of the community, separate from the school. Said service may be held on or in school property, conforming to the current community use policy;
2. A memorial service of like observance should recognize the religious pluralism of the community.

## **Moral and Spiritual Training**

The school is vitally concerned that teaching of moral and ethical values be part of the fabric of public education.

Religious institutions and orientations are central to human experience, past and present. They are the basis for much of the accepted moral and ethical behavior of today. The school recognizes the importance of the religious heritage of America and respects the religious belief of those in the school. An education excluding such a significant aspect would be incomplete. It is essential that the teaching **about** - and not **of** - religion be conducted in a factual, objective and respectful manner.

## **Drug, Alcohol and Tobacco Prevention, Health Education\*\***

Students have a right to attend school in an environment conducive to learning. Since student drug, alcohol and tobacco use is illegal and harmful and interferes with both effective learning and the healthy development of students, the school has a fundamental legal and ethical obligation to prevent unlawful drug, alcohol and tobacco use and to maintain a drug-free educational environment.

After consulting with parents, teachers, school administrators, local community agencies and persons from the drug, alcohol or health service community who are knowledgeable of the latest research information, the Board will adopt a written plan for a drug, alcohol and tobacco prevention and intervention program.

### **Drug Prevention Program**

The school's drug, alcohol and tobacco curriculum will be age-appropriate, reviewed annually and updated as necessary to reflect current research.

Drug, alcohol and tobacco prevention instruction will be integrated in the school's health education courses. Students not enrolled in health education shall receive such instruction through other designated courses. At least annually, all senior high school students shall receive such instruction. Instruction shall minimally meet the requirements set forth in Oregon Administrative Rules.

The school will include information regarding the school's intervention and referral procedures, including those for drug-related medical emergencies in student/parent and staff handbooks.

Intervention is defined as the identification and referral of students whose behavior is interfering with their potential success socially, emotionally, physiologically, and/or legally as a result of prohibited drug, alcohol and/or tobacco use.

Any staff member who has reason to suspect a student is in possession of, or under the influence of unlawful drugs, alcohol, other intoxicants or tobacco on school property, on a school bus or while participating in any school-sponsored activity, whether on school property or at sites off school property, will escort the student to the office or designated area and will report the information to the principal or his/her designated representative.

Students possessing, using and/or selling unlawful drugs, including drug paraphernalia, alcohol and tobacco on school property, in school vehicles, at school-sponsored activities on or off school grounds shall be subject to discipline up to and including expulsion. When considering disciplinary action for a child 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 or placement, manifestation determination and an interim alternative educational setting. Students may also be referred to law enforcement officials.

In general, drug-related medical emergencies will be handled like a serious accident or illness. Immediate notification of the community emergency care unit is required. Trained staff members will assist the student in any way possible. Parents shall be contacted immediately. A staff member shall be designated to accompany the student to the hospital or emergency medical facility. Procedures to be taken, including those for students participating in school-sponsored activities off school grounds, shall be included in the school's comprehensive first aid/emergency plan.

The school will actively seek funds from outside sources either independently or through coordinated efforts with other schools, community agencies.

A planned staff development program that includes current drug, alcohol and tobacco prevention education, an explanation of the school's plan and staff responsibilities within that plan will be developed by the director. The input of staff, parents and the community is encouraged to ensure a staff development program that best meets the needs of the students.

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

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

END OF POLICY

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**Legal Reference(s):**

<a href="#">ORS 163.575</a>	<a href="#">OAR 581-015-2060</a>	<a href="#">OAR 581-015-2220</a>
<a href="#">ORS 336.067</a>	<a href="#">OAR 581-015-2070</a>	<a href="#">OAR 581-015-2225</a>
<a href="#">ORS 336.222</a>	<a href="#">OAR 581-015-2075</a>	<a href="#">OAR 581-015-2230</a>
<a href="#">ORS 339.133-137</a>	<a href="#">OAR 581-015-2410</a>	<a href="#">OAR 581-015-2235</a>
<a href="#">ORS 339.873</a>	<a href="#">OAR 581-015-2415</a>	<a href="#">OAR 581-015-2240</a>
<a href="#">ORS Chapter 475</a>	<a href="#">OAR 581-015-2420</a>	<a href="#">OAR 581-015-2325</a>
<a href="#">ORS 809.260</a>	<a href="#">OAR 581-015-2425</a>	<a href="#">OAR 581-015-2600</a>
	<a href="#">OAR 581-015-2430</a>	<a href="#">OAR 581-015-2605</a>
<a href="#">OAR 581-011-0052</a>	<a href="#">OAR 581-015-2435</a>	<a href="#">OAR 581-021-0050</a>
<a href="#">OAR 581-015-2000</a>	<a href="#">OAR 581-015-2440</a>	<a href="#">OAR 581-021-0055</a>
<a href="#">OAR 581-015-2040</a>	<a href="#">OAR 581-015-2055</a>	<a href="#">OAR 581-022-0413</a>
<a href="#">OAR 581-015-2045</a>	<a href="#">OAR 581-015-2205</a>	<a href="#">OAR 581-022-1210</a>
<a href="#">OAR 581-015-2050</a>		

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2006); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600 - 85.645 (2006).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).

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

34 C.F.R. §§ 300.108.

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

The school shall provide an age appropriate, comprehensive plan of instruction focusing on human sexuality, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects.

Course material and instruction for all human sexuality education courses that discuss human sexuality shall enhance a student's understanding of sexuality as a normal and healthy aspect of human development. In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students in grade 6-8 and at least twice during grades 9-12.

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

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

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

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

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

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

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

1. Assists students to develop and practice effective communication skills, development of self esteem and ability to resist peer pressure;

2. Provides students with the opportunity to learn about and personalize peer, media, technology and community influences that both positively and negatively impact their attitudes and decisions related to healthy sexuality, relationships and sexual behaviors, including decisions to abstain from sexual intercourse;
3. Enhances students' ability to access valid health information and resources related to their sexual health;
4. Teaches how to develop and communicate sexual and reproductive boundaries;
5. Is research based, evidence based or best practice; and
6. Aligns with the Oregon Health Education Content Standards and Benchmarks.

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

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 336.035](#)  
[ORS 336.107](#)  
[ORS 336.455 to -336.475](#)

[ORS 339.370](#)  
[OAR 581-022-0705](#)

[OAR 581-022-1440](#)  
[OAR 581-022-1910](#)

### **Education Records/Records of Students with Disabilities\*\***

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

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

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

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

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

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

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

The school annually notifies parents of all students, including adult students, currently in attendance that they have to right to:

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

3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the student educational record rules authorize disclosure without consent. (See Board policy JOB – Personally Identifiable Information);
4. File with the U.S. Department of Education a complaint concerning alleged failures by the school to comply with the requirements of the Family Educational Rights and Privacy Act; and
5. Obtain a copy of the school's education records policy.

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 30.864](#)  
[ORS 107.154](#)  
[ORS 326.565](#)  
[ORS 326.575](#)

[ORS 339.270](#)  
[ORS 343.177\(3\)](#)

[OAR 166-400-0010](#) to [166-450-0010](#)  
[OAR 581-021-0220](#) to [-0430](#)  
[OAR 581-022-1660](#)  
[OAR 581-022-1670](#)

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

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2011); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2011).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2006).

## **Education Records/Records of Students with Disabilities Management**

### 1. Student Education Record

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

- a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- b. Records of the law enforcement unit of the school subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
- c. Records relating to an individual who is employed by the school, that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the school who is employed as a result of his/her status as a student, are education records and are not excepted under this section;
- d. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
  - (1) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity;
  - (2) Made, maintained or used only in connection with treatment of the student; and
  - (3) Disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the school.
- e. Records that only contain information relating to activities in which an individual engaged after he/she is no longer a student at the school;
- f. Medical or nursing records which are made or maintained separately and solely by a licensed health-care professional who is not employed by the school, and which are not used for education purposes or planning.

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

- a. Name and address of educational agency or institution;
- b. Full legal name of the student;
- c. Student birth date and place of birth;
- d. Names of parents;

- e. Date of entry in school;
- f. Name of the school previously attended;
- g. Courses of study and marks received;
- h. Data documenting a student's progress toward achievement of state standards and must include a student's Oregon State Assessment results;
- i. Credits earned;
- j. Attendance;
- k. Date of withdrawal from school; and
- l. Such additional information as the school may prescribe.

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

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

## 2. Confidentiality of Student Records

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

## 3. Rights of Parents and Eligible Students

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

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

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

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

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

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

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

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

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

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

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

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

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

The written request will be permanently added to the student's education record.

The school shall not destroy any education record if there is an outstanding request to inspect and review the education record.

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

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

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

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

Student education records will be maintained at the school building at which the student is in attendance except for special education records which may be located at another designated location within the school. The administrator/principal or his/her designee shall be the person responsible for maintaining and releasing the education records.

## 5. Release of Personally Identifiable Information

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

- a. The disclosure is to other school officials, including teachers, within the school who have a legitimate educational interest.

As used in this section, "legitimate educational interest" means a school official employed by the school as an administrator, supervisor, instructor or staff support member; a person serving on a school board who needs to review an educational record in order to fulfill his or her professional responsibilities, as delineated by their job description, contract or conditions of employment. Contractors, consultants, volunteers or other parties to whom an agency or institution has outsourced institutional services or functions may be considered a school official provided that party performs an institutional service or function for which the school would otherwise use employees, is under the direct control of the school with respect to the use and maintenance of education records, and is subject to school policies concerning the redisclosure of personally identifiable information.

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

- b. The disclosure is to officials of another school within the school;
- c. The disclosure is to authorized representatives of:

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

- d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
  - (1) Determine eligibility for the aid;
  - (2) Determine the amount of the aid;
  - (3) Determine the conditions for the aid; or
  - (4) Enforce the terms and condition of the aid.

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

- e. The disclosure is to organizations conducting studies for, or on behalf of, the school to:
  - (1) Develop, validate or administer predictive tests;
  - (2) Administer student aid programs; or
  - (3) Improve instruction.

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

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

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

- f. The school may disclose information under this section only if the disclosure is to an official listed in paragraph (c) above who is conducting an audit related to the enforcement of or compliance with federal or state legal requirements and who enters into a written agreement with the school that:
  - (1) Designates the individual or entity as an authorized representative;

- (2) Specifies the personally identifiable information being disclosed;
  - (3) Specifies the personally identifiable information being disclosed in the furtherance of an audit, evaluation or enforcement or compliance activity of the federal or state-supported education programs;
  - (4) Describes the activity with sufficient specificity to make clear it falls within the audit or evaluation exception; this must include a description of how the personally identifiable information will be used;
  - (5) Requires information to be destroyed when no longer needed for the purpose for which the study was conducted;
  - (6) Identifies the time period in which the personally identifiable information must be destroyed; and
  - (7) Establishes policies and procedures which are consistent with Family Education Rights and Privacy Act (FERPA) and other federal and state confidentiality and privacy provisions to insure the protection of the personally identifiable information from further disclosure and unauthorized use.
- g. The disclosure is to accrediting organizations to carry out their accrediting functions;
  - h. The disclosure is to comply with a judicial order or lawfully issued subpoena. The school may disclose information under this section only if the school makes a reasonable effort to notify the eligible student or student's parent(s) of the order or subpoena in advance of compliance, unless an order or subpoena of a federal court or agency prohibits notification to the parent(s) or student;
  - i. The disclosure is to comply with a judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependency matters;
  - j. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
  - k. The disclosure is in connection with a health or safety emergency. The school shall disclose personally identifiable information from an education record to law enforcement, child protective services and health care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. If the school determines that there is an articulable and significant threat, the school will document the information available at that time of determination and the rationale basis for the determination for the disclosure of the information from the educational records.

In making a determination whether a disclosure may be made under the health or safety emergency, the school may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. As used in this section a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to applicable state law, or other such reasons that the school may in good faith determine a health or safety emergency;

- l. The disclosure is information the school has designated as "directory information" (See Board policy JOA – Directory Information);
- m. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;

- n. The disclosure is to officials of another school, school system, institution of postsecondary education, an education service district (ESD), state regional program or other educational agency that has requested the records and in which the student seeks or intends to enroll or is enrolled or in which the student receives services. The term “receives services” includes, but is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability;
- o. The disclosure is to the Board during an executive session pursuant to ORS 332.061.

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

- p. The disclosure is to a caseworker or other representative, who has the right to access the student’s case plan, of a state or local child welfare agency or tribal organization that are legally responsible for the care and protection of the student, provided the personally identifiable information will not be disclosed unless allowed by law.

## 6. Record-Keeping Requirements

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

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

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

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

## 7. Request for Amendment of Student’s Education Record

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

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

The request to amend the student's education record shall become a permanent part of the student's education record.

If the principal decides not to amend the record as requested, the eligible student or the student's parent(s) shall be informed of the decision and of his/her right to appeal the decision by requesting a hearing.

#### 8. Hearing Rights of Parents or Eligible Students

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

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

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

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

If, as a result of the hearing, the panel decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the eligible student or the student's parent(s) of the right to place a statement in the record

commenting on the contested information in the record or stating why he/she disagrees with the decision of the panel. If a statement is placed in an education record, the school will ensure that the statement:

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

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

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

#### 9. Duties and Responsibilities When Requesting Education Records

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

#### 10. Duties and Responsibilities When Transferring Education Records

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

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

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

## **Disclosure Statement**

Required for use in collecting personally identifiable information related to social security numbers.

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

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

On the back of the same form, or attached to it, the following statement shall appear:

“OAR 581-021-0250 (1)(j) authorizes schools to ask you to provide your social security number (SSN). The SSN will be used by the school for reporting, research and record keeping. Your SSN will also be provided to the Oregon Department of Education. The Oregon Department of Education gathers information about students and programs to meet state and federal statistical reporting requirements. It also helps schools and the state research, plan and develop educational programs. This information supports the evaluation of educational programs and student success in the workplace.”

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

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

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

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

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

# Oregon School for the Deaf

Code: **IGBAC**  
Adopted:

## **Special Education - Personnel**

Consistent with Teacher Standards and Practices Commission requirements, school personnel are appropriately and adequately prepared to implement special education and related services and have the content knowledge and skills to serve children with disabilities.

The school takes measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education and related services to children with disabilities.

END OF POLICY

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

Individuals with Disabilities Education Act [20 U.S.C. § 1412 (a)(14)(D) and] 20 U.S.C. § 1413 (a)(3).  
Assistance to States for the Education of Children with Disabilities [34 C.F.R. § 300.156 (d) and] 34 C.F.R. § 300.207.

## **Special Education - Procedural Safeguards\*\***

### **Procedural Safeguards – General**

A school ensures that students with disabilities and their families are afforded their procedural safeguards related to:

1. Access to students' educational records;
2. Parent and adult student participation in special education decisions;
3. Transfer of rights to students who have reached the age of majority;
4. Prior written notice of proposed school actions;
5. Consent for evaluation and for initial placement in special education<sup>1</sup>;
6. Independent educational evaluation;
7. Dispute resolution through mediation, state complaint investigation, resolution sessions and due process hearings;
8. Discipline procedures and protections for students with disabilities, including placements related to discipline;
9. Placement of students during the pendency of due process hearings;
10. Placement of students by their parents in private schools;

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<sup>1</sup>If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the school: 1) may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services; 2) may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child; 3) the school will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services; and 4) the school is not required to convene an individualized education program (IEP) team meeting or develop an IEP for the child for further provision of special education or related services.

11. Civil actions; and
12. Attorney's fees.

### **Procedural Safeguards Notice**

1. The school provides to parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education, at least once per year and upon initial referral or parent request for special education evaluation and when the parent requests a copy. The school also gives a copy to the student at least a year before the student's 18th birthday or upon learning that the student is considered emancipated.
2. The school provides the *Procedural Safeguards Notice* in the parent's native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the school takes steps to ensure that the notice is translated orally or by other means understandable to the parent and that the parent understands the content of the notice. The school maintains written evidence that it meets these requirements.

### **Parent or Adult Student Meeting Participation**

1. The school provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a FAPE to the student.
2. The school provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
  - a. States the purpose, time and place of the meeting and who is invited to attend;
  - b. Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
  - c. Advises that the team may proceed with the meeting even if the parents are not in attendance;
  - d. Advises the parents or adult students who to contact before the meeting to provide information if they are unable to attend; and
  - e. Indicates if one of the meeting's purposes is to consider transition services or transition services needs. If so:
    - (1) Indicates that the student will be invited; and
    - (2) If considering transition services, identifies any agencies invited to send a representative (with parent or adult student consent).
3. The school takes steps to ensure that one or both parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
  - a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
  - b. Scheduling the meeting at a mutually agreed upon time and place.

4. If neither parent can attend, the school will use other methods to ensure an opportunity to participate, including, but not limited to, individual or conference phone calls or home visits.
5. The school may conduct an evaluation planning or eligibility meeting without the parent or adult student if the school provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.

END OF POLICY

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**Legal Reference(s):**

[ORS 343.155](#)

[ORS 343.165](#)

[ORS 343.177](#)

[ORS 343.181](#)

[OAR 581-001-0005](#)

[OAR 581-015-2000](#)

[OAR 581-015-2030](#)

[OAR 581-015-2090](#)

[OAR 581-015-2095](#)

[OAR 581-015-2190](#)

[OAR 581-015-2195](#)

[OAR 581-015-2305](#)

[OAR 581-015-2310](#)

[OAR 581-015-2325](#)

[OAR 581-015-2330](#)

[OAR 581-015-2345](#)

[OAR 581-015-2360](#)

[OAR 581-015-2385](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.500 - 300.505, 300.515, 300.517 (2006).  
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300 (2008).

## Special Education - Procedural Safeguards\*\*

### 1. Procedural Safeguards

#### a. The school provides procedural safeguards to:

- (1) Parents, guardians (unless the guardian is a state agency) or persons in parental relationship to the student;
- (2) Surrogate parents; and
- (3) Students who have reached the age of 18, the age of majority or are considered emancipated under Oregon law and to whom rights have transferred by statute, identified as adult students (called “eligible students”).

#### b. The school gives parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education (ODE):

- (1) At least once a year; and
- (2) At the first referral or parental request for evaluation to determine eligibility for special education services;
- (3) When the parent (or adult student) requests a copy;
- (4) To the parent and the student one year before the student’s 18th birthday or upon learning that the student is considered emancipated.

#### c. The *Procedural Safeguards Notice* is:

- (1) Provided written in the native language or other communication of the parents (unless it is clearly not feasible to do so) and in language clearly understandable to the public.
- (2) If the native language or other mode of communication of the parent is not a written language, the school takes steps to ensure that:
  - (a) The notice is translated orally or by other means to the parent in his/her native language or other mode of communication;
  - (b) The parent understands the content of the notice; and
  - (c) There is written evidence that the school has met these requirements.

### 2. Content of *Procedural Safeguards Notice*

The procedural safeguards notice includes all of the content provided in the *Procedural Safeguards Notice* published by ODE.

### 3. Parent or Adult Student Meeting Participation

- a. The school provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, individualized education program (IEP) and educational placement of the student, and the provision of a free appropriate public education (FAPE) to the student.
- b. The school provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
  - (1) States the purpose, time and place of the meeting and who is invited to attend;
  - (2) Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
  - (3) Advises the parents or adult student that the team may proceed with the meeting even if they are not in attendance;
  - (4) Advises the parent or adult students who to contact before the meeting to provide information if they are unable to attend; and
  - (5) Indicates if one of the meeting's purposes is to consider transition services or transition service needs. If so:
    - (a) Indicates that the student will be invited; and
    - (b) Identifies any agencies invited to send a representative.
- c. The school takes steps to ensure that one or both of the parents of a student with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
  - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
  - (2) Scheduling the meeting at a mutually agreed on time and place.
- d. If neither parent can participate, the school will use other methods to ensure participation, including, but not limited to, individual or conference phone calls or home visits.
- e. The school may conduct an evaluation planning or eligibility meeting without the parent or adult student if the school provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.
- f. The school may conduct an IEP or placement meeting without the parent or adult student if the school is unable to convince the parents or adult students that they should participate. Attempts to convince the parent to participate will be considered sufficient if the school:
  - (1) Communicates directly with the parent or adult student and arranges a mutually agreeable time and place and sends written notice to confirm the arrangement; or
  - (2) Proposes a time and place in the written notice stating that a different time and place might be requested and confirms that the notice was received.

- g. If the school proceeds with an IEP meeting without a parent or adult student, the school must have a record of its attempts to arrange a mutually agreed upon time and place such as:
  - (1) Detailed records of telephone calls made or attempted and the results of those calls;
  - (2) Copies of correspondence sent to the parents and any responses received; and
  - (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.
- h. The school takes whatever action is necessary to ensure that the parent or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents or adult students who are deaf or whose native language is other than English.
- i. After the transfer of rights to an adult student at the age of majority, the school provides written notice of meetings to the adult student and parent, if the parent can be reasonably located. After the transfer of rights to an adult student at the age of majority, a parent receiving notice of an IEP meeting is not entitled to attend the meeting unless invited by the adult student or the school.
- j. An IEP meeting does not include:
  - (1) Informal or unscheduled conversations involving school personnel;
  - (2) Conversations on issues such as teaching methodology, lesson plans or coordination of service provision if those issues are not addressed in the student's IEP; or
  - (3) Preparatory activities that school or public personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

#### 4. Surrogate Parents

- a. The school protects the rights of a student with a disability, or suspected of having a disability, by appointing a surrogate parent when:
  - (1) The parent cannot be identified or located after reasonable efforts;
  - (2) The student is a ward of the state or an unaccompanied homeless youth and there is reasonable cause to believe that the student has a disability, and there is no foster parent or other person available who can act as the parent of the student; or
  - (3) The parent or adult student requests the appointment of a surrogate parent.
- b. The school secures nominations of persons to serve as surrogates. The school appoints surrogates within 30 days of a determination that the student needs a surrogate, unless a surrogate has already been appointed by juvenile court.
- c. The school will only appoint a surrogate who:
  - (1) Is not an employee of the school or ODE;
  - (2) Is not an employee of any other agency involved in the education or care of the student;
  - (3) Is free of any personal or professional interest that would interfere with representing the student's special education interests; and
  - (4) Has the necessary knowledge and skills that ensure adequate representation of the student in special education decisions. The school will provide training, as necessary, to ensure that surrogate parents have the requisite knowledge.

- d. The school provides all special education rights and procedural safeguards to appointed surrogate parents.
- e. A surrogate will not be considered an employee of the school solely on the basis that the surrogate is compensated from public funds.
- f. The duties of the surrogate parent are to:
  - (1) Protect the special education rights of the student;
  - (2) Be acquainted with the student's disability and the student's special education needs;
  - (3) Represent the student in all matters relating to the identification, evaluation, IEP and educational placement of the student; and
  - (4) Represent the student in all matters relating to the provision of FAPE to the student.
- g. A parent may give written consent for a surrogate to be appointed.
  - (1) When a parent requests that a surrogate be appointed, the parent shall retain all parental rights to receive notice and all of the information provided to the surrogate. When the school appoints a surrogate at parent request, the school will continue to provide to the parent a copy of all notices and other information provided to the surrogate.
  - (2) The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The school will treat the surrogate as the parent unless and until the parent revokes consent for the surrogate's appointment.
  - (3) If a parent gives written consent for a surrogate to be appointed, the parent may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- h. An adult student to whom rights have transferred at age of majority may give written consent for a surrogate to be appointed. When an adult student requests that a surrogate be appointed, the student shall retain all rights to receive notice and all of the information provided to the surrogate. The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The school will treat the surrogate as the adult student unless and until the adult student revokes consent for the surrogate's appointment. If an adult student gives written consent for a surrogate to be appointed, the adult student may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- i. The school may change or terminate the appointment of a surrogate when:
  - (1) The person appointed as surrogate is no longer willing to serve;
  - (2) Rights transfer to the adult student or the student graduates with a regular diploma;
  - (3) The student is no longer eligible for special education services;
  - (4) The legal guardianship of the student is transferred to a person who is able to carry out the role of the parent;
  - (5) A foster parent or other person is identified who can carry out the role of parent;
  - (6) The parent, who previously could not be identified or located, is now identified or located;
  - (7) The appointed surrogate is no longer eligible;
  - (8) The student moves to another school; or
  - (9) The student is no longer a ward of the state or unaccompanied homeless youth.
- j. The school will not appoint a surrogate solely because the parent or student to whom rights have transferred is uncooperative or unresponsive to the special education needs of the student.

5. Transfer of Rights at Age of Majority

- a. When a student with a disability reaches the age of majority, marries or is emancipated, rights previously accorded to the student's parents under the special education laws, transfer to the student. A student for whom rights have transferred is considered an "adult student" under OAR 581-015-2000(1).
- b. The school provides notice to the student and the parent that rights (accorded by statute) will transfer at the age of majority. This notice is provided at an IEP meeting and documented on the IEP:
  - (1) At least one year before the student's 18th birthday;
  - (2) More than one year before the student's 18th birthday, if the student's IEP team determines that earlier notice will aid transition; or
  - (3) Upon actual knowledge that within a year the student will likely marry or become emancipated before age 18.
- c. The school provides written notice to the student and to the parent at the time of the transfer.
- d. These requirements apply to all students, including students who are incarcerated in a state or local adult or juvenile correctional facility or jail.
- e. After transfer of rights to the student, the school provides any written prior notices and written notices of meetings required by the special education laws to the adult student and to the parent if the parent can be reasonably located.
- f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent to attend the meeting unless invited by the student or the school.

6. Prior Written Notice

- a. The school provides prior written notice to the parent of a student, or student, within a reasonable period of time, before the school:
  - (1) Proposes to initiate or change, the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child; or
  - (2) Refuses to initiate or change the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child.
- b. The content of the prior written notice will include:
  - (1) A description of the action proposed or refused by the school;
  - (2) An explanation of why the school proposed or refused to take the action;
  - (3) A description of each evaluation procedure, test, assessment, record or report used as a basis for the proposal or refusal;
  - (4) A statement that the parents of a student with a disability have procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the *Procedural Safeguards Notice* may be obtained;
  - (5) Sources for parents to contact to obtain assistance in understanding their procedural safeguards;
  - (6) A description of other options the IEP team considered and the reasons why those options were rejected; and

- (7) A description of other factors that are relevant to the agency’s proposal or refusal.
- c. The prior written notice is:
  - (1) Written in language understandable to the general public; and
  - (2) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;
  - (3) If the native language or other mode of communication of the parent is not a written language, the school shall take steps to ensure that:
    - (a) The notice is translated orally or by other means to the parent in the parent’s native language or other mode of communication;
    - (b) The parent understands the content of the notice; and
    - (c) There is written evidence that the requirements of this rule have been met.

7. Consent<sup>1</sup> – Initial Evaluation

- a. The school provides notice and obtains informed written consent from the parent or adult student before conducting an initial evaluation to determine whether a student has a disability (as defined by Oregon law) and needs special education. Consent for initial evaluation is not consent for the school to provide special education and related services.
- b. The school makes reasonable efforts to obtain informed consent from a parent for an initial evaluation to determine a child’s eligibility for special education services. If a parent does not provide consent for an initial evaluation or does not respond to a request for consent for an initial evaluation, the school may, but is not required to, pursue the initial evaluation of the child through mediation or due process hearing procedures. The school does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

8. Consent – Initial Provision of Special Education Services

- a. The school provides notice and obtains informed written consent from the parent or adult student before the initial provision of special education and related services to the student.
- b. The school makes reasonable efforts to obtain informed consent, but if a parent or adult student does not respond or refuses consent for initial provision of special education and related services, the school does not convene an IEP meeting, develop an IEP or seek to provide special education and related services through mediation or due process hearing procedures. The school will not be considered to be in violation of the requirement to make FAPE available to the student under these circumstances. The school stands ready to serve the student if the parent or adult student later consents.

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<sup>1</sup>“Consent” means that the parent or adult student: a) has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought; and b) understands and agrees in writing to the carrying out of the activity for which his/her consent is sought. Consent is voluntary on the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

9. Consent – Re-evaluation

- a. The school obtains informed parent consent before conducting any re-evaluation of a child with a disability, except:
  - (1) The school does not need written consent for a re-evaluation if the parent does not respond after reasonable efforts to obtain informed consent. However, the school does not conduct individual intelligence tests or tests of personality without consent.
  - (2) If a parent refuses to consent to the re-evaluation, the school may, but is not required to, pursue the re-evaluation by using mediation or due process hearing procedures.
- b. A parent or adult student may revoke consent at any time before the completion of the activity for which they have given consent. If a parent or adult student revokes consent, that revocation is not retroactive.

10. Consent – Other Requirements

- a. The school documents its reasonable efforts to obtain parent consent, such as phone calls, letters and meeting notes.
- b. If a parent of a student who is home schooled or enrolled by the parents in a private school does not provide consent for the initial evaluation or the re-evaluation, or if the parent does not respond to a request for consent, the school:
  - (1) Does not use mediation or due process hearing procedures to seek consent; and
  - (2) Does not consider the child as eligible for special education services.
- c. If a parent or adult student refuses consent for one service or activity, the school does not use this refusal to deny the parent or child any other service, benefit or activity, except as specified by these rules and procedures.
- d. If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the school:
  - (1) May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;
  - (2) May not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
  - (3) The school will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
  - (4) The school is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

## 11. Exceptions to Consent

- a. The school does not need written parent or adult student consent before:
  - (1) Reviewing existing data as part of an evaluation or re-evaluation;
  - (2) Administering a test or other evaluation administered to all students without consent unless, before administration of that test or evaluation, consent is required of parents of all students;
  - (3) Conducting evaluations, tests, procedures or instruments that are identified on the student's individualized education program (IEP) as a measure for determining progress; or
  - (4) Conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.
- b. The school does not need written parent consent to conduct an initial special education evaluation of a student who is a ward of the state and not living with the parent if:
  - (1) Despite reasonable efforts to do so, the school has not been able to find the parent;
  - (2) The parent's rights have been terminated in accordance with state law; or
  - (3) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- c. The school does not need written parental consent if an administrative law judge (ALJ) determines that the evaluation or re-evaluation is necessary to ensure that the student is provided with a free appropriate public education.

## 12. Independent Educational Evaluations (IEE)

- a. A parent of a student with a disability has a right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school.
- b. If a parent requests an independent educational evaluation at public expense, the school provides information to parents about where an independent educational evaluation may be obtained, and the school criteria applicable for independent educational evaluations.
- c. If a parent requests an independent educational evaluation at public expense, the school, without unnecessary delay, either:
  - (1) Initiates a due process hearing to show that its evaluation is appropriate; or
  - (2) Ensures that an independent educational evaluation is provided at public expense unless the school demonstrates in a hearing that the evaluation obtained by the parent did not meet school criteria.
- d. The school criteria for independent educational evaluations are the same as for school evaluations including, but not limited to, location, examiner qualifications and cost.
  - (1) Criteria established by the school do not preclude the parent's access to an independent educational evaluation.

- (2) The school provides the parents the opportunity to demonstrate the unique circumstances justifying an IEE that does not meet the school's criteria.
  - (3) A parent may be limited to one independent educational evaluation at public expense each time the school conducts an evaluation with which the parent disagrees.
- e. If a parent requests an independent educational evaluation, the school may ask why the parent disagrees with the public evaluation. The parent may, but is not required to provide an explanation. The school may not:
- (1) Unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
  - (2) Except for the criteria listed above in c., impose conditions or timelines related to obtaining an IEE at public expense.
- f. The school considers an independent educational evaluation submitted by the parent, in any decision made with respect to the provision of a free appropriate public education to the student, if the submitted independent evaluation meets school criteria.

### 13. Dispute Resolution – Mediation

- a. The school or parent may request mediation from ODE for any special education matter, including before the filing of a complaint or due process hearing request.
- b. The school acknowledges that:
  - (1) Mediation must be voluntary on the part of the parties, must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and may not be used to deny or delay a parent's right to a due process hearing or filing a complaint.
  - (2) Each mediation session must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.
  - (3) An agreement reached by the parties to the dispute in the mediation process must be set forth in a legally binding written mediation agreement that:
    - (a) States the terms of the agreement;
    - (b) States that all discussions that occurred during the mediation process remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
    - (c) Is signed by the parent and a representative of the school who has the authority to bind the school to the mediation agreement.
  - (4) Mediation communication is not confidential if it relates to child or elder abuse and is made to a person who is required to report abuse, or threats of physical harm, or professional conduct affecting licensure.
  - (5) The mediation agreement is enforceable in any state court of competent jurisdiction or in a school court of the United States.

#### 14. Dispute Resolution – Complaint Investigation

- a. Any organization or person may file a signed, written complaint with the State Superintendent of Public Instruction alleging that a school or education service school (ESD) is violating or has violated the Individuals with Disabilities Education Act (IDEA) or associated regulations within one year before the date of the complaint. Upon receiving a parent complaint, the ODE forwards the complaint to the school or ESD along with a request for a school response to the allegations in the complaint.
- b. Upon receiving a request for response from ODE, the school responds to the allegations and furnishes any requested information or documents within 10 business days.
- c. The school sends a copy of the response to the complainant. If ODE decides to conduct an on-site investigation, school personnel participate in interviews and provide additional documents as needed.
- d. The school and the complainant may attempt to resolve a disagreement that led to a complaint through mediation. If they decide against mediation, or if mediation fails to produce an agreement, ODE will pursue the complaint investigation.
- e. If ODE substantiates some or all of the allegations in a complaint, it will order corrective action. The school satisfies its corrective action obligations in a timely manner.
- f. If the school disagrees with the findings and conclusions in a complaint final order, it may seek reconsideration by ODE or judicial review in county circuit court.

#### 15. Due Process Hearing Requests

- a. The school acknowledges that parents may request a due process hearing if they disagree with a school proposal or refusal relating to the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- b. The school may request a due process hearing regarding the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- c. When requesting a due process hearing, the school or the attorney representing the school provides notice to the parent and to ODE.
- d. The party, including the school, that did not file the hearing request must, within 10 days of receiving the request for a hearing, send to the other party a response that specifically addresses the issues raised in the hearing request.
- e. If the parent had not yet received prior written notice of the school's proposal or refusal, the school, within 10 days of receiving the hearing request for a due process hearing, sends to the parent a response that includes:
  - (1) An explanation of why the school proposed or refused to take the action raised in the hearing request;
  - (2) A description of other options that the school considered and the reasons why those options were rejected;

- (3) A description of each evaluation procedure, assessment, record or report the school used as the basis for the proposed or refused action; and
- (4) A description of the factors relevant to the school's proposal or refusal.

#### 16. Resolution Session

- a. Within 15 days of receiving a due process hearing request, the school will hold a resolution session with the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request.
- b. This meeting will include a representative of the school who has decision-making authority for the school.
  - (1) The school will not include an attorney unless the parent brings an attorney.
  - (2) The school will provide the parent with an opportunity for the parent to discuss the hearing request and related facts so that the school has an opportunity to resolve the dispute.
  - (3) The school and parent may agree in writing to waive the resolution meeting. If so, the 45 day hearing timeline will begin the next business day, unless the school and parent agree to try mediation in lieu of the resolution session.

#### 17. Time Limitations and Exception

- a. A parent must request a due process hearing within two years after the date of the school act or omission that gives rise to the parent's hearing request.
- b. This timeline does not apply to a parent if the school withheld relevant information from the parent or incorrectly informed the parent that it had resolved the problem that led the parent's hearing request.

#### 18. Hearing Costs

- a. The school reimburses ODE for costs related to conducting the hearing, including pre-hearing conferences, scheduling arrangement and other related matters.
- b. The school provides the parent with a written or, at the option of the parent, an electronic verbatim recording of the hearing, within a reasonable time of the close of the hearing
- c. The school does not use IDEA funds to pay attorney's fees or other hearing costs.

#### 19. Discipline and Placement in Interim Alternative Setting

See Board policy JGDA/JGEA - Discipline of Students with Disabilities.

**Special Education - Free Appropriate Public Education (FAPE)**

1. The school admits all resident school age children with disabilities and makes special education and related services available at no cost to those:
  - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they have not failed or have not been retained in a course or grade or are advancing from grade to grade;
  - b. Who have not graduated with a regular diploma;
  - c. Who have been suspended or expelled in accordance with special education discipline provisions; or
  - d. Who reach age 21 before the end of the school year. These students remain eligible until the end of the school year in which they reach 21.
2. The school determines residency in accordance with Oregon law.
3. The school takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the school and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, and children with disabilities who are enrolled in public charter schools located in the school.
4. The school may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.
5. State law prohibits the school from recommending to parents, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.
6. If the individualized education program (IEP) team determines that placement in a public or private residential program is necessary to provide FAPE, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.
7. If a parent revokes consent for a student receiving special education and related services, the school will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services.

END OF POLICY

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**Legal Reference(s):**

[ORS 338.165](#)

[ORS 339.115](#)

[ORS 343.085](#)

[ORS 343.224](#)

[OAR 581-015-2020](#)

[OAR 581-015-2035](#)

[OAR 581-015-2040 to-2065](#)

[OAR 581-015-2050](#)

[OAR 581-015-2075](#)

[OAR 581-015-2530](#)

[OAR 581-015-2600](#)

[OAR 581-015-2605](#)

[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.17, 300.101-110, 300.113 (2006).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300 (2008).

## **Special Education - Free Appropriate Public Education (FAPE)**

### 1. FAPE and Age Ranges

The school provides special education and related services to all resident school-age students with disabilities, including students enrolled in public charter schools located in the school, as provided below:

- a. "School-age children" are children who have reached 5 years of age but have not yet reached 21 years of age on or before September 1 of the current school year.
- b. The school will admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year.
- c. An otherwise eligible person whose 21st birthday occurs during the school year will continue to be eligible for FAPE for the remainder of the school year.
- d. The school provides FAPE to students with disabilities who have been suspended or expelled from school in accordance with the special education discipline rules.

### 2. Nonacademic Services

- a. The school provides equal opportunity for students with disabilities for participation in nonacademic and extracurricular services and activities.
- b. Nonacademic and extracurricular services and activities may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school and assistance in making outside employment available.
- c. The school ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of each individual child.

### 3. Graduation

- a. Eligible students with disabilities are entitled to a free appropriate public education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternate certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, an extended diploma or an alternative certificate is contingent on the IEP team determining the student's continued eligibility and special education services are needed.
- b. The school provides prior written notice in a reasonable time before a student with a disability, graduates with a regular high school diploma.

- c. The school is not required to conduct a reevaluation before terminating eligibility due to graduation with a regular high school diploma.
- d. Graduation with an alternative document:
  - (1) The school may award an alternative document meeting the criteria of the State Board of Education alternative document to a student with a disability.
  - (2) Graduation with an alternative document does not terminate eligibility, require an evaluation or require prior written notice.
- e. The school may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.

#### 4. Incarcerated Youth

- a. The school has a plan, approved by the local Board, to provide or cause to be provided, appropriate education for children placed in a local or regional correctional facility located in the school.
- b. The school provides FAPE for students with disabilities ages 18 through 21, incarcerated as adults in an adult correctional facility if, in the last educational setting before their incarceration:
  - (1) Were identified as students eligible for special education; and
  - (2) Had an individualized education program (IEP).
- c. The school's provisions of FAPE does not include:
  - (1) The requirements relating to participation of children with disabilities in statewide and school assessments.
  - (2) For students whose eligibility for services will end before their release, the requirements related to transition planning and transition service do not apply. The school makes this determination based on considerations of the sentence and eligibility for early release. Requirements relating to transition planning and transition services, with respect to the students whose eligibility will end, because of their age, before they will be eligible to be released from adult correctional facilities based on consideration of their sentence and eligibility for early release.
  - (3) The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. Least restrictive environment requirements do not apply with respect to these modifications.
  - (4) The public agency responsible for the special education of students in an adult correctional facility is not required to provide notice of meetings to the parent after rights transfer to the student.

## 5. Residential Placement

If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE to a student with a disability, the school ensures that the program, including nonmedical care and room and board, is provided at no cost to the parents of the student.

## 6. Physical Education

- a. The school makes physical education services, specially designed if necessary, available to every child with a disability receiving FAPE, unless the school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grade.
- b. The school provides the opportunity to each child with a disability to participate in the regular physical education program available to nondisabled children unless the child needs specially designed physical education as prescribed in the child's IEP.
- c. If specially designed physical education is included in the child's IEP, the school must provide the services directly or make arrangements for those services to be provided through other public or private programs.
- d. If the child with a disability is enrolled full time in a separate facility, the school must ensure that the child receives appropriate physical education services.

## 7. Public Charter Schools

- a. The school serves children with disabilities attending public charter schools located in the school in the same manner and in accordance with applicable laws and rules governing the school's provision of services to children with disabilities in its other schools.
- b. The school shall, in consultation with the student's parent, guardian or person in parental relationship, provide FAPE to the student, in accordance with OAR 581-015-2230(1), until the school implements the IEP from the previous school or develops, adopts and implements a new IEP that meets acceptable requirements. If the information received was in effect in a previous school in another state, the school will implement the IEP in accordance with OAR 581-015-2230(2).
- c. The school provides supplementary and related services onsite at a school public charter school to the same extent to which the school has a policy or practice of providing such services on the site to its other public schools.
- d. A school school in which a public charter school is located must provide Individuals with Disabilities Education Act (IDEA) funds to those public charter schools on the same basis as the school school provides those funds to other public schools in the school, including proportional distribution based on relative enrollment of children with disabilities, at the same time as funds are distributed to other public schools in the school.
- e. If a child with a disability enrolls in a public charter school, the public charter school is considered the school the child would attend if not disabled. Enrollment in any public charter school is by parent choice. Enrollment in any out-of- school public charter school does not require an inter school transfer agreement.

When a student enrolls in a public charter school, the school in which the public charter school is located shall:

- a. Provide written notification of the student's enrollment to the school in which the student resides;
- b. Request, in accordance with applicable confidentiality provisions in state and federal laws, the records of the student, including all information related to an individualized education program developed for the student;
- c. Provide written notification to the student's parent, guardian or person in parental relationship to provide information about:
  - (1) The school's responsibility to identify, locate and evaluate to determine a student's need for special education and related services and to provide those special education services in the public charter school; and
  - (2) The methods by which the school may be contacted to answer questions or provide information related to special education and related services.

When a student no longer is enrolled in a public charter school for any reason other than graduation, the school in which the public charter school is located shall notify:

- a. The school in which the student resided to provide notice:
  - (1) That the student no longer is enrolled in the public charter school; and
  - (2) That the school will provide the student education records including all information related to the student's IEP if the student seeks enrollment or services from the school in which the student resides.
- b. The student's parent, guardian or person in parental relationship to provide information about:
  - (1) The responsibility of the school in which the student resides to identify, locate and evaluate students and implement services;
  - (2) The methods by which the student's resident school may be contacted to answer questions or provide information about special education and related services; and
  - (3) The responsibility of the school to provide student records, including information related to the student's IEP, if the student seeks enrollment or services from another school, including the parent's resident school.

#### 8. Recovery of Funds for Misclassified Students

The school ensures that students identified on the special education child count under Part B of the IDEA are limited to students who:

- a. Meet eligibility requirements under OAR 581-015-2130 to 2180;
- b. Have a current IEP that is being implemented;
- c. Are receiving a free appropriate public education;
- d. Are enrolled in the school.

9. Students with Disabilities under IDEA Enrolled in Public Benefits or Insurance

A school may use the State’s Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for special education and related services required under IDEA, and permitted under the public benefits or insurance programs as specified below.

With regard to services required to provide FAPE to a child with disabilities under IDEA, a school:

- a. May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child with disabilities to receive FAPE under the IDEA, but may pay the cost that the parent otherwise would be required to pay; and
- b. May not use the child’s benefits under a public insurance program if that use would:
  - (1) Decrease available lifetime coverage or any other insurance benefit;
  - (2) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program, and that are required for the child outside of the time the child is in school;
  - (3) Increase premiums or lead to the discontinuation of insurance; or
  - (4) Risk loss of eligibility for home and community-based waiver, based on aggregate health-related expenditures; **and**

Prior to accessing a student’s or parent’s public benefits or insurance for the first time, and annually thereafter, the school must provide prior written notification to the student’s parents and must obtain written consent<sup>1</sup> that:

- a. States the personally identifiable information that may be disclosed (e.g. records or information about the services that may be provided to the student);
- b. States the purpose of the disclosure (e.g. billing for services under IDEA);
- c. Names the agency to which the disclosure may be made (e.g. Medicaid);
- d. Specifies that the parent understands and agrees that the public agency may access the parent’s or student’s public benefits or insurance to pay for services under IDEA;
- e. Acknowledges the school may not require parents to incur an out-of-pocket expense (i.e. payment of a deductible or co-payment incurred in filing a claim for special education or related services), but may pay the cost that the parent otherwise would be required to pay; and
- f. Acknowledges the school may not use the student’s benefits under a public insurance program, if that use would:
  - (1) Decrease available lifetime coverage of any other insured benefit;
  - (2) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school;
  - (3) Increase premiums or lead to the discontinuation of insurance; or

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<sup>1</sup>“Consent” means that the parent or adult student a) has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought and b) understands and agrees in writing to the carrying out of the activity for which his/her consent is sought. Consent is voluntary of the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

- (4) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

10. Accessible Materials

- a. schools must ensure the timely provision of print instructional materials, including textbooks that comply with the National Instructional Materials Accessibility Standards (NIMAS) for students who are blind or print disabled.
- b. schools must ensure the timely provision of instructional materials in accessible formats to children who need instructional materials in accessible formats, including those children who are not blind or print disabled.

11. ESY as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

12. Assistive Technology as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

# Oregon School for the Deaf

Code: **IGBB**  
Adopted:

## Talented and Gifted Program

The school is committed to an educational program that recognizes, identifies and serves the unique needs of talented and gifted students. Talented and gifted students are those who have been identified as academically talented and/or intellectually gifted.

The Oregon Department of Education directs the Director to develop a written identification process for identifying academically talented and intellectually gifted students K-12.

A written plan that identifies programs or services needed to address the assessed levels of learning and accelerated rates of learning of identified students shall be similarly developed.

END OF POLICY

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### Legal Reference(s):

[ORS 343.391](#)  
[ORS 343.395](#)  
[ORS 343.396](#)  
[ORS 343.397](#)

[ORS 343.401](#)  
[ORS 343.407](#)  
[ORS 343.409](#)

[ORS 343.413](#)  
[OAR 581-022-1310 to -1330](#)

### **Identification – Talented and Gifted\*\***

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

1. Behavioral, learning and/or performance information;
2. A nationally standardized mental ability test for assistance in identifying intellectually gifted students;
3. A nationally standardized academic achievement test for assistance in identifying academically talented students, Smarter Balanced or Oregon Assessment of Knowledge and Skills (OAKS).

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 343.395](#)  
[ORS 343.407](#)  
[ORS 343.411](#)

[OAR 581-021-0030](#)  
[OAR 581-022-1310](#) to -1330

[OAR 581-022-1940](#)

## **Appeals Procedure for Talented and Gifted Identification and Placement\*\***

The school has established an appeals process for parents to utilize if they are dissatisfied with the identification process and/or placement of their student in the school program for talented and gifted (TAG) students and wish to request reconsideration. The school's desire and intent is to reach satisfactory solutions during the informal process:

### **Informal Process**

1. The parents will contact the Director to request reconsideration;
2. The Director will confer with the parents and may include any additional appropriate persons (e.g., principal, counselor, teacher, etc.). At this time, information pertinent to the selection or placement will be shared;
3. If an agreement cannot be reached, the parents may initiate the Formal Process.

### **Formal Process**

1. Parents shall submit a written request for reconsideration of the identification/placement to the assistant superintendent of student services for the Oregon Department of Education (ODE);
2. The assistant superintendent of student services for the ODE shall acknowledge in writing the receipt of the request within five working days and shall forward copies of the request and acknowledgment to the Director;
3. The assistant superintendent of student services for the ODE and the school Director and other appropriate administrator, shall review the student's file and earlier decisions within 10 working days of the original request. Additional data may be gathered to support or change the earlier decision;
4. Parents may be provided an opportunity to present additional evidence;
6. A decision will be made within 20 working days after receipt of the written request for reconsideration. The parents shall be notified of the decision in writing and the decision shall be forwarded to the Director;
8. If the parents are still dissatisfied, an appeal to the State Superintendent of Public Instruction following the procedures outlined in the Oregon Administrative Rules (OAR) may be used. The school shall provide a copy of the appropriate OAR upon request.

# Oregon School for the Deaf

Code: **IGBBB**  
Adopted:

## **Identification – Talented and Gifted Students among Nontypical Populations\*\***

The school will make an effort to identify talented and gifted students from special populations such as:

1. Ethnic minorities;
2. Economically disadvantaged;
3. Culturally different;
4. Underachieving gifted;
5. Students with disabilities.

Careful selection of appropriate measures and a collection of behavioral or learning characteristics shall be used.

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

END OF POLICY

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

[ORS 343.395](#)

[ORS 343.407](#)

[ORS 343.411](#)

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

[OAR 581-022-1940](#)

# Oregon School for the Deaf

Code: **IGBBC**  
Adopted:

## **Programs and Services – Talented and Gifted\*\***

A school written plan will be developed for programs and services beyond those normally offered by the regular school program. All required written course statements shall identify the academic instructional programs and services to be provided which accommodate the assessed levels and accelerated rates of learning in identified talented and gifted students. The Director will remove any administrative barriers that may exist which restrict students' access to appropriate services and will develop program and service options.

The school has established an appeals process for parents to utilize if they are dissatisfied with the programs and services recommended for their identified talented and gifted student and wish to request reconsideration.

The school has established a complaint procedure to utilize if an individual has a complaint regarding the appropriateness of programs and services provided for identified talented and gifted students.

END OF POLICY

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

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

### **Complaints Regarding Talented and Gifted Program**

Since differences of opinion may arise regarding the appropriateness of programs and services provided for identified talented and gifted (TAG) students, the following procedure will be utilized when complaints arise:

1. All complaints will be reported to the Director;
2. The complainant will be given the Talented and Gifted Standards Complaint Form which must be filled out before further consideration can be given to the complaint;
3. The Director shall arrange for a review committee;
4. The review committee shall meet within three working days of receiving the written complaint and review all pertinent information. A recommendation will be submitted to the Director within 10 working days of receiving the original complaint;
5. The committee may recommend that:
  - a. The programs or services are appropriate;
  - b. The programs or services are not appropriate.
6. The Director shall immediately report the recommendations of the review committee to the assistant superintendent of student services for the Oregon Department of Education;
7. The decision of the assistant superintendent of student services for the Oregon Department of Education shall be final;
8. If the complainant remains dissatisfied, and has exhausted local procedures, or 90 or more days have elapsed since the original filing of a written complaint alleging violation of standards with the school, an appeal to the State Superintendent of Public Instruction can be filed. The school shall provide a copy of the appropriate Oregon Administrative Rule upon request.

**Oregon School for the Deaf**

**TALENTED AND GIFTED STANDARDS COMPLAINT FORM**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone (Daytime) \_\_\_\_\_ (Evenings) \_\_\_\_\_

Date of Complaint \_\_\_\_\_

1. What is the nature of your complaint? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. What is the school currently doing? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. In your opinion, in what way is this situation a violation of state standards?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. What do you feel the school should be doing? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Other pertinent comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Oregon School  
for the Deaf

Code: **IGBBD**  
Adopted:

**Parent Notification and Participation\*\***

The school shall inform parents of the identification of their student as talented and gifted. The school shall further inform parents of program or service options available and provide them an opportunity to participate in selecting those programs or options most appropriate for their student.

The Oregon Department of Education directs the Director to develop written procedures for parent notification and participation.

END OF POLICY

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**Legal Reference(s):**

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

# Oregon School for the Deaf

Code: **IGBHD**  
Adopted:

## Program Exemptions

The school may excuse students from a state-required program or learning activity for reasons of religion, disability or other reasons deemed appropriate by the school.

An alternative program for credit may be provided.

END OF POLICY

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### Legal Reference(s):

[ORS 336.035\(2\)](#)  
[ORS 336.465](#)  
[ORS 336.615](#)  
[ORS 336.625](#)

[ORS 336.635](#)  
[OAR 581-021-0071](#)  
[OAR 581-022-0612](#)

[OAR 581-022-1350](#)  
[OAR 581-022-1440](#)  
[OAR 581-022-1910](#)  
[OAR 581-022-1920](#)

## Cocurricular/Extracurricular Programs

Cocurricular/Extracurricular activities are considered to be any activity such as student government, contests, athletics and clubs. Participants in these activities will be subject to the basic rules pertaining to cocurricular/extracurricular activities, which include the following:

1. Use of tobacco is prohibited on school grounds or during trips that are part of the activity;
2. Drinking of alcoholic beverages is prohibited at any time or at any place. Any individual involved in the use of alcohol will be suspended immediately from all activities;
3. The use of drugs, other than authorized medications, is prohibited at any time or at any place. Any individual involved in the use of such drugs will be suspended immediately from all activities;
4. Any student displaying unacceptable conduct on or off campus will be subject to suspension.

These rules are to be followed and enforced by activity coaches or advisers. Offenses will be handled by the adviser/administration or by approved procedures that have been submitted to the administration and incorporated into the student handbook.

Students who represent the school in voluntary activities may be required to conform to dress and grooming standards approved by the Director and may be denied the opportunity to participate if those standards are not met.

Activity sponsors are encouraged to issue any additional rules or regulations developed for individual activities prior to participation. Rules developed are subject to Director approval.

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)  
[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050 to -0075](#)  
[OAR 581-022-1680](#)

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

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

Havercamp v. Unified Sch. Dist. No. 380, 689 F. Supp. 1055 (D. Kan. 1986)

Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).

Equal Access Act, 20 U.S.C. §§ 4071-4074 (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).

# Oregon School for the Deaf

Code: **IGDA**  
Adopted:

## Student Organizations

The school encourages curriculum-related student organizations. School staff will facilitate such organizations and school resources may be used to support them. The school may also support student organizations which are not directly curriculum related.

School administrators will develop general guidelines for student organizations. Among other provisions, such guidelines will require the assignment of at least one staff adviser to each student organization.

Voluntary student-organized clubs which are not curriculum-related may meet on school premises during noninstructional time. If the content of such a club's meetings is religious in nature, school staff may attend only in a nonparticipatory manner. Staff may be assigned to attend such meetings for custodial purposes only, but will not be compelled to attend a meeting if the content of the speech at the meeting is contrary to that person's beliefs.

END OF POLICY

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### Legal Reference(s):

[ORS 339.880](#)  
[ORS 339.885](#)

[OAR 581-021-0050](#)  
[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2006).

Lamb's Chapel v. Center Moriches Unified Sch. Dist., 508 U.S. 384 (1993).

Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).

## **Student Organizations**

All members of the school community including staff, administrators and the ODE are responsible for the activities that are conducted in the schools. It is important, therefore, to the orderly use of school facilities that the use of all space be approved and planned in advance. An attempt shall be made to present a balance of viewpoints.

Students may be permitted to hold meetings on school property before or after the regular student school day under the following conditions:

1. The meeting shall be scheduled in advance following school policy KG - Community Use of School Facilities;
2. All meetings must be approved by the principal or designee;
3. The meeting may be sponsored by school officials, official school clubs or organizations and nonschool organizations.

In addition to the requirements of school policy, the following restrictions shall apply:

1. Normal class activities shall not be interrupted;
2. The meeting shall not incite hazard to person or property;
3. No group which encourages or advocates the violation of federal laws, state laws or school laws shall be granted use of school facilities;
4. No speaker who encourages or advocates breaking the law shall be invited to speak.

If a crowd is anticipated, a crowd control plan shall be filed in the building administration office two days in advance of the meeting for final approval.

Students may have the right to gather informally during the regular student school day provided they meet the following criteria:

1. Students gathered informally shall not disrupt the orderly operation of the educational process;
2. Students gathered informally shall not infringe upon the rights of others to pursue their activities.

Student organizations may be curriculum-related or voluntary student-initiated clubs that are not curriculum related.

“Curriculum-related” student organizations must meet one of the following:

1. Group’s subject matter is actually taught (or will soon be taught) in a regularly offered course;
2. Group’s subject matter concerns the body of courses as a whole; or
3. Participation in the group is required for a particular course or results in academic credit.

Voluntary student-initiated clubs must:

1. Be voluntary and student initiated;
2. Not be sponsored by the school, the government or its agents or employees;
3. Not materially and substantially interfere with the orderly conduct of educational activities within the school;
4. Not be directed, controlled, conducted or regularly attended by “nonschool” persons.

### **Definitions**

1. “Noninstructional time” means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends;
2. “Sponsorship” means an act of promoting, leading or participating in a meeting. The assignment of a teacher, administrator or other school employee to a meeting for **custodial** purposes does not constitute sponsorship of the meeting.

The Equal Access Act preserves the authority of the school, its agents and employees to maintain order and discipline on school premises, to protect the well-being of students and staff and to assure that their attendance at meetings is voluntary.

Schools may prohibit meetings which would materially and substantially interfere with the orderly conduct of educational activities within the school.

In a “limited open forum” situation, schools may not deny equal access of fair opportunity to, or discriminate against student-initiated clubs on the basis of religious, political, philosophical or other content of the speech at such meetings.

If the meetings are religious, the school may not influence the form of any religious activity.

# Oregon School for the Deaf

Code: **IGDF**  
Adopted: 7/15/03  
Orig. Code(s): None

## **Soliciting/Raising Funds/Donations**

Fund raising for student activities, supplies, equipment is permitted at the Oregon School for the Deaf. Coordination of fund-raising events/activities will be handled by the Leadership Team to prevent conflicts and to determine the benefits to students.

Solicitation of donations to support specific student activities or programs is permitted. Approval of solicitation plan and any letters or “communication message” must be approved by the Leadership Team Supervisor and the Director before the solicitation can occur.

END OF POLICY

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

[ORS 339.880](#)

[OAR 137-025-0020 to -0530](#)

[OAR 581-022-1660\(2\)](#)

## **Soliciting/Raising Funds/Donations – Procedures**

### **Fund Raising Procedures**

1. Staff or students who plan to perform a fund-raising activity will consult with department supervisor.
2. Depending on the complexity of the plan, it may be necessary to complete an “Activity Form” or “Room Reservation and Services Request” form.
3. Earned monies must be deposited in an appropriate trust account with the school cashier within 24 hours of receipt of funds or on the first work day after the funds were received.
4. Fund-raising that benefits a non-OSD group or that benefits an individual staff member is not encouraged. Such a request must be approved by the Oregon School for the Deaf (OSD) Director. The Director may approve the request only if:
  - a. There is absolutely no pressure for any one to purchase the product/service. For example, no soliciting. The product should be displayed with information about purchase.
  - b. It is determined that funds raised will not hamper, interfere with, or conflict with efforts of OSD student fund raising.
  - c. When facility reservations are needed, an hourly charge will be made to cover utilities and maintenance costs.

### **Soliciting/Donations Procedures**

1. Staff persons wishing to solicit a donation will request permission in writing from his/her supervisor. The request will include:
  - a. The purpose of the solicitation;
  - b. The individual(s) or group(s) to be approached for solicitation;
  - c. The method of solicitation:
    - (1) Letter (attached copy);
    - (2) Phone or person (attach “message” to be communicated);
    - (3) Newsletter.
2. If the Leadership Team supervisor approves the request, it will then be sent to the Director for review and approval.
3. All funds received from a solicitation must be deposited with the OSD cashier within 24 hours of receipt, or on the first working day after a weekend or holiday.

4. All checks or money orders donated will be made payable to the Oregon School for the Deaf.
5. Monies received as a result of an approved solicitation may only be used for that purpose.

Any staff person or volunteer of OSD who solicits donations for an OSD-related activity without obtaining written permission will be subject to discipline.

Corrected 6/26/15

## **Electronic Communications System**

The school is committed to the development and establishment of a quality, equitable and cost-effective electronic communications system. The system's sole purpose shall be for the advancement and promotion of learning and teaching.

The school's system will be used to provide statewide, national and global communications opportunities for staff and students.

The Director will establish administrative regulations for the use of the school's system including compliance with the following provisions of the Children's Internet Protection Act:

1. Technology protection measures, installed and in continuous operation, that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography or, with respect to the use of the computers by minors, harmful to minors;
2. Educating minors about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking sites and in chat rooms;
3. Monitoring the online activities of minors;
4. Denying access by minors to inappropriate matter on the Internet and World Wide Web;
5. Ensuring the safety and security of minors when using e-mail, social media, chat rooms and other forms of direct electronic communications;
6. Prohibiting unauthorized access, including so-called "hacking" and other unlawful activities by minors online;
7. Prohibiting unauthorized disclosure, use and dissemination of personal information regarding minors;
8. Installing measures designed to restrict minors' access to materials harmful to minors.

The Director will establish administrative regulations for use of the school's system by staff using their own personal electronic devices to download and store school proprietary information including personally recognizable information about the school students or staff. Regulations shall insure compliance with privacy rights under applicable federal and state laws and regulations, including but not limited to the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act of 2008 (GINA) and the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

The administrative regulations will be consistent with sound guidelines as may be provided by the education service district, the Oregon Department of Education and/or the Oregon Government Ethics Commission and will include a complaint procedure for reporting violations.

The Director will also establish administrative regulations for use of the school's electronic communications system to comply with copyright law.

Failure to abide by school policy and administrative regulations governing use of the school's system may result in the suspension and/or revocation of system access. Additionally, student violations will result in discipline up to and including expulsion. Staff violations will also result in discipline up to and including dismissal. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions. Fees, fines or other charges may also be imposed.

END OF POLICY

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**Legal Reference(s):**

[ORS 30.765](#)  
[ORS 133.739](#)  
[ORS 163.435](#)  
[ORS 164.345](#)  
[ORS 164.365](#)  
[ORS 167.060](#)  
[ORS 167.065](#)  
[ORS 167.070](#)

[ORS 167.080](#)  
[ORS 167.087](#)  
[ORS 167.090](#)  
[ORS 167.095](#)  
[ORS Chapter 192](#)  
[ORS 332.107](#)  
[ORS 336.222](#)

[ORS 339.250](#)  
[ORS 339.270](#)  
  
[OAR 581-021-0050](#)  
[OAR 581-021-0055](#)  
[OAR 584-020-0040](#)  
[OAR 584-020-0041](#)

Children's Internet Protection Act, 47 U.S.C. Sections 254 (h) and (l) (2008); 47 CFR Section 54.520 (2001).  
Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2000).  
*Oregon Attorney General's Public Records and Meetings Manual*, pp. 24-26, Appendix H, Department of Justice (2001).  
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. Sections 7101-7117.  
Drug-Free Workplace Act of 1988, 41 U.S.C. Sections 701-707; 34 CFR Part 85, Subpart F.  
Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V, 21 CFR 1308.11-1308.15 (2000).  
Drug-Free Schools and Communities Act Amendments of 1989, P.L. 101-226, 103 Stat. 1928.  
Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).  
Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).  
Oregon Government Standards and Practices Commission, Advisory Opinion No. 98A-1003 (July 9, 1998).  
No Child Left Behind Act of 2001, P.L. 107-110, Title II, Section 2441.  
Americans with Disabilities Act Amendments Act of 2008.

## Electronic Communications System

### Definitions

1. “Technology protection measure,” as defined by the Children’s Internet Protection Act (CIPA), means a specific technology that blocks or filters Internet access to visual depictions that are:
  - a. Obscene, as that term is defined in Section 1460 of Title 18, United States Code;
  - b. Child pornography, as that term is defined in Section 2256 of Title 18, United States Code; or
  - c. Harmful to minors.
2. “Harmful to minors,” as defined by CIPA, means any picture, image, graphic image file or other visual depiction that:
  - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
  - b. Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  - c. Taken as a whole, lacks serious literary, artistic, political or scientific value to minors.
3. “Sexual act; sexual contact,” as defined by CIPA, have the meanings given such terms in Section 2246 of Title 18, United States Code.
4. “Minor,” as defined by CIPA, means an individual who has not attained the age of 17. For the purposes of school policy and this administrative regulation, minor will include all students enrolled in the school.
5. “Inappropriate matter,” as defined by the school, means material that is inconsistent with general public education purposes, the school’s mission and goals.<sup>1</sup>
6. “School proprietary information” is defined as any information created, produced or collected by school staff for the business or education purposes of the school including but not limited to student information, staff information, parent or patron information, curriculum, forms and like items used to conduct the school’s business.
7. “School software” is defined as any commercial or staff developed software acquired using school resources.

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<sup>1</sup>As inappropriate matter is not defined in the CIPA or regulations, schools should define the scope of what it will regard as inappropriate matter. The language provided in #5. is intended as a guide only.

## General OSD Responsibilities

The school will:

1. Designate staff as necessary to ensure coordination and maintenance of the school's electronic communications system which includes all school computers, e-mail and Internet access;
2. Provide staff training in the appropriate use of the school's system including copies of school policy and administrative regulations. Staff will provide similar training to authorized system users;
3. Provide a system for authorizing staff use of personal electronic devices to download or access school proprietary information, that insures the protections of said information and insures its removal from the device when its use is no longer authorized;
4. Provide a system for obtaining prior written agreement from staff for the recovery of school proprietary information downloaded to staff personal electronic devices as necessary to accomplish school purposes, obligations or duties, and when the use on the personal electronic device is no longer authorized, to insure verification that information downloaded has been properly removed from the personal electronic device;
5. Cooperate fully with local, state or federal officials in any investigation relating to misuse of the school's system;
6. Use only properly licensed software, audio or video media purchased by the school or approved for use by the school. The school will comply with the requirements of law regarding the use, reproduction and distribution of copyrighted works and with applicable provisions of use or license agreements;
7. Install and use desktop and/or server virus detection and removal software;
8. Provide technology protection measures that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or with respect to the use of computers by minors, harmful to minors. A supervisor or other individual authorized by the principal may disable the technology protection measures to enable access for bona fide research or other lawful purposes, as deemed appropriate;
9. Prohibit access by minors, as defined by CIPA and this regulation, to inappropriate matter on the Internet and World Wide Web;
10. Provide staff supervision to monitor the online activities of students to prevent unauthorized access, including "hacking" and other unlawful activities online, and ensure the safety and security of minors when authorized to use e-mail, social media, chat rooms and other forms of direct electronic communication;
11. Provide student education about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking and social media websites and in chat rooms;

12. Determine which users and sites accessible as part of the school's system are most applicable to the curricular needs of the school and may restrict user access, accordingly;
13. Determine which users will be provided access to the school's e-mail system;
14. Program its computers to display a message reinforcing key elements of the school's Electronic Communications System policy and regulation when accessed for use;
15. Notify appropriate system users that:
  - a. The school retains ownership and control of its computers, hardware, software and data at all times. All communications and stored information transmitted, received or contained in the school's information system are the school's property and are to be used for authorized purposes only. Use of school equipment or software for unauthorized purposes is strictly prohibited. To maintain system integrity, monitor network etiquette and ensure that those authorized to use the school's system are in compliance with school policy, administrative regulations and law, the school administrators may routinely review user files and communications;
  - b. Files and other information, including e-mail, sent or received, generated or stored on school servers are not private and may be subject to monitoring. By using the school's system, individuals consent to have that use monitored by authorized school personnel. The school reserves the right to access and disclose, as appropriate, all information and data contained on school computers and school-owned e-mail system;
  - c. The school may establish a retention schedule for the removal of e-mail;
  - d. E-mail sent or received by an advisory board member or employee in connection with the transaction of public business may be a public record and subject to state archivist rules for retention and destruction;
  - e. Information and data entered or stored on the school's computers and e-mail system may become discoverable evidence if a public records request is made or a lawsuit is filed against the school. "Deleted" or "purged" data from school computers or e-mail system may be retrieved for later public records disclosure or disciplinary purposes, as deemed necessary by the school;
  - f. The school may set quotas for system disk usage. The school may allow system users to increase their quota by submitting a written request to the supervising teacher or system coordinator stating the need for the increase;
  - g. Passwords used on the school's system are the property of the school and must be provided to their supervisor or designated school personnel, as appropriate. Passwords that have not been provided to the school are prohibited;
  - h. Transmission of any materials regarding political campaigns is prohibited.
16. Ensure all student, staff and nonschool system users complete and sign an agreement to abide by the school's electronic communications policy and administrative regulations. All such agreements will be maintained on file in the school office;
17. Notify users of known copyright infringing activities and deny access to or remove the material.

## **System Access**

1. Access to the school's system is authorized to:

Advisory board members, school employees, students in grades K-12, with parent approval and when under the direct supervision of staff, and school volunteers, school contractors or other members of the public as authorized by the system coordinator or school administrators consistent with the school's policy governing use of school equipment and materials.

2. Students, staff and Advisory board members may be permitted to use the school's system to conduct business related to the management or instructional needs of the school or to conduct research related to education. Personal use of school computers including Internet and e-mail access by students and Advisory board members is strictly prohibited. Personal use of school computers including Internet access and e-mail by staff is restricted. Any personal use by staff is limited to such uses as deemed permissible under the Oregon Government Ethics Commission (OGEC) guidance (e.g., occasional use to type a social letter to a friend or family member, preparation of application materials for another position in the school, or computer games which may serve to improve the individual's keyboard proficiency and software component familiarity). Such use is restricted to the employee's own time.

## **General Use Prohibitions/Guidelines/Etiquette**

Operation of the school's system relies upon the proper conduct and appropriate use of system users. Students, staff and others granted system access are responsible for adhering to the following prohibitions and guidelines which require legal, ethical and efficient utilization of the school's system.

1. Prohibitions

The following conduct is strictly prohibited:

- a. Attempts to use the school's system for:
  - (1) Unauthorized solicitation of funds;
  - (2) Distribution of chain letters;
  - (3) Unauthorized sale or purchase of merchandise and services;
  - (4) Collection of signatures;
  - (5) Membership drives;
  - (6) Transmission of any materials regarding political campaigns.
- b. Attempts to upload, download, use, reproduce or distribute information, data, software, or file share music, videos or other materials on the school's system in violation of copyright law or applicable provisions of use or license agreements;
- c. Attempts to degrade, disrupt or vandalize the school's equipment, software, materials or data or those of any other user of the school's system or any of the agencies or other networks connected to the school's system;
- d. Attempts to evade, change or exceed resource quotas or disk usage quotas;

- e. Attempts to send, intentionally access or download any text file or picture or engage in any communication that includes material which may be interpreted as:
  - (1) Harmful to minors;
  - (2) Obscene or child pornography as defined by law or indecent, vulgar, profane or lewd as determined by the school;
  - (3) A product or service not permitted to minors by law;
  - (4) Harassment, intimidation, menacing, threatening or constitutes insulting or fighting words, the very expression of which injures or harasses others;
  - (5) A likelihood that, either because of its content or the manner of distribution, it will cause a material or substantial disruption of the proper and orderly operation of the school or school activity;
  - (6) Defamatory, libelous, reckless or maliciously false, potentially giving rise to civil liability, constituting or promoting discrimination, a criminal offense or otherwise violates any law, rule, regulation, school policy and/or administrative regulation.
- f. Attempts to gain unauthorized access to any service via the school's system which has a cost involved or attempts to incur other types of costs without specific approval. The user accessing such services will be responsible for these costs;
- g. Attempts to post or publish personal student contact information unless authorized by the system coordinator or teacher and consistent with applicable school policy pertaining to student directory information and personally identifiable information. Personal contact information includes photograph, age, home, school, work or e-mail addresses or phone numbers or other unauthorized disclosure, use and dissemination of personal information regarding students;
- h. Attempts to arrange student meetings with anyone on the school's system, unless authorized by the system coordinator or teacher and with prior parent approval;
- i. Attempts to use the school's name in external communication forums such as chat rooms without prior school authorization;
- j. Attempts to use another individual's account name or password, failure to provide the school with individual passwords or to access restricted information, resources or networks to which the user has not been given access.

## 2. Guidelines/Etiquette

System users will:

- a. Adhere to the same standards for communicating online that are expected in the classroom and consistent with school policy and administrative regulations;
- b. Respect other people's time and cyberspace. Use real-time conference features such as talk/chat/Internet relay chat only as approved by the supervising teacher or system coordinator. Avoid downloading excessively large files. Remain on the system long enough to get needed information then exit the system. Act as though every byte sent costs somebody time and money, because it does;
- c. Take pride in communications. Check spelling and grammar;
- d. Respect the privacy of others. Do not read the mail or files of others without their permission;
- e. Cite all quotes, references and sources;
- f. Adhere to guidelines for managing and composing effective e-mail messages:

- (1) One subject per message - avoid covering various issues in a single e-mail message;
  - (2) Use a descriptive heading;
  - (3) Be concise - keep message short and to the point;
  - (4) Write short sentences;
  - (5) Use bulleted lists to break up complicated text;
  - (6) Conclude message with actions required and target dates;
  - (7) Remove e-mail in accordance with established guidelines;
  - (8) Remember, there is no expected right to privacy when using e-mail. Others may read or access mail;
  - (9) Always sign messages;
  - (10) Always acknowledge receipt of a document or file.
- g. Protect password confidentiality. Passwords are the property of the school and are not to be shared with others. Using another user's account or password or allowing such access by another may be permitted with supervising teacher or system coordinator approval only. No system user may use a password on the school's computers, e-mail system or Internet access which is unknown to the school;
  - h. Communicate only with such users and/or sites as may be authorized by the school;
  - i. Be forgiving of the mistakes of others and share your knowledge. Practice good mentoring techniques;
  - j. Report violations of the school's policy and administrative regulation or security problems to the supervising teacher, system coordinator or administrator, as appropriate.

## **Complaints**

Complaints regarding use of the school's Electronic Communications System may be made to the teacher, principal, employee's supervisor or system coordinator. The school's established complaint procedure will be used for complaints concerning violations of the school's Electronic Communications System policy and/or administrative regulation. See school policy KL - Public Complaints and accompanying administrative regulation.

## **Violations/Consequences**

1. Students
  - a. Students who violate general system user prohibitions shall be subject to discipline up to and including expulsion and/or revocation of school system access up to and including permanent loss of privileges.
  - b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
  - c. Disciplinary action may be appealed by parents, students and/or a representative in accordance with established school procedures.
2. Staff
  - a. Staff who violate general system user prohibitions shall be subject to discipline up to and including dismissal in accordance with school policy, collective bargaining agreements and applicable provisions of law.

- b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
  - c. Violations of applicable Teacher Standards and Practices Commission (TSPC), Standards for Competent and Ethical Performance of Oregon Educators will be reported to TSPC as provided by OAR 584-020-0041.
  - d. Violations of ORS 244.040 will be reported to OGEC.
3. Others
- a. Other guest users who violate general system user prohibitions shall be subject to suspension of system access up to and including permanent revocation of privileges.
  - b. Violations of law will be reported to law enforcement officials or other agencies, as appropriate, and may result in criminal or civil sanctions.

### **Telephone/Membership/Other Charges**

- 1. The school assumes no responsibility or liability for any membership or phone charges including, but not limited to, long distance charges, per minute (unit) surcharges and/or equipment or line costs incurred by any home usage of the school's system.
- 2. Any disputes or problems regarding phone services for home users of the school's system are strictly between the system user and their local phone company and/or long distance service provider.

### **Information Content/Third Party Supplied Information**

- 1. System users and parents of student system users are advised that use of the school's system may provide access to materials that may be considered objectionable and inconsistent with the school's mission and goals. Parents should be aware of the existence of such materials and monitor their student's home usage of the school's system accordingly.
- 2. Opinions, advice, services and all other information expressed by system users, information providers, service providers or other third-party individuals are those of the providers and not the school.
- 3. System users may, with supervising teacher or system coordinator approval, order services or merchandise from other individuals and agencies that may be accessed through the school's system. These individuals and agencies are not affiliated with the school. All matters concerning merchandise and services ordered including, but not limited to, purchase terms, payment terms, warranties, guarantees and delivery are solely between the seller and the system user. The school makes no warranties or representation whatsoever with regard to any goods or services provided by the seller. School staff and administration shall not be a party to any such transaction or be liable for any costs or damages arising out of, either directly or indirectly, the actions or inactions of sellers.
- 4. The school does not warrant that the functions or services performed by or that the information or software contained on the system will meet the system user's requirements or that the system will be uninterrupted or error-free or that defects will be corrected. The school's system is provided on an "as is, as available" basis. The school does not make any warranties, whether express or implied including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein.

**Oregon School  
for the Deaf**

**Elementary Student iPad Usage Agreement**

Student's Name: \_\_\_\_\_

I understand this iPad belongs to the Oregon School for the Deaf and is provided for me to use at school and I agree to the following terms for use:

- I am responsible for the iPad.
- I will be careful with the iPad.
- My teacher will keep the iPad in a secured location when not in use.
- In the event of damage to my iPad, I will tell the teacher immediately.

I understand all the rules stated above. Failure to comply with the above stated rules may result in the loss of my iPad privileges.

\_\_\_\_\_  
iPad Serial Number

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Guardian/Co-signer Signature

\_\_\_\_\_  
Date

# Oregon School for the Deaf

## Student iPad Usage Agreement

Student's Name: \_\_\_\_\_

I understand this iPad belongs to the Oregon School for the Deaf (OSD) and is provided for me to use at school and I agree to the following terms:

- I am responsible for basic care of the iPad.
- I am responsible for understanding and following all copyright requirements related to digital media and the use of the iPad. I am also responsible to view information that is legal and educational.
- I will not download personal applications to the iPad.
- I will not load any digital media that has been illegally downloaded, to the iPad.
- The iPad issued to me is covered against: accidental damage, theft, vandalism, fire, flood, natural disasters and power surge due to lightning. If one of these occurs, I agree to pay a \$50.00 deductible\*.
- In the event of accidental damage to the iPad, I will complete the provided claim form and turn it in to the technology coordinator as soon as possible.
- In the event of theft or vandalism of the iPad, I will file a police report and obtain a copy of it.
- Then I will complete the provided claim form and turn in both the claim form and a copy of the police report to the technology coordinator as soon as possible.
- If I lose/break the charger and/or the case, I agree to pay the replacement cost for the charger of \$30.00 and/or the case of \$50.00.
- I will keep the iPad in a secured location when not in use. I also will not take the iPad off the OSD campus.

\* Does not apply to SVRS-issued iPads.

I understand all the rules above. Failure to comply may result in the loss of iPad privileges.

\_\_\_\_\_  
iPad Serial Number

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Guardian/Co-signer Signature

\_\_\_\_\_  
Date

## PARENT PERMISSION FORM FOR STUDENT USE OF COMPUTER NETWORKS AND INTERNET

Oregon School for the Deaf (OSD) and Oregon Department of Education (ODE) is committed to the support of an electronic communications system for the advancement and promotion of learning and teaching. The following policy is an attempt to ensure the safety of students, staff, parents and computer systems while providing the opportunity to utilize networking technology and Internet in enhancing the educational process.

1. OSD/ODE computer network accounts may be available to students and staff, subject to the following conditions:
  - a. A student under the age of 18, unless emancipated, may use school operated computer equipment and networks once his/her parent or other person in parental relationship grants permission through the completion of this form.
  - b. A student with permission to use the OSD/ODE computer equipment and network will be granted an individual user account. The student is responsible for all behavior on the network using that account and must not share password information or account access with other students.
  - c. OSD/ODE, in accordance with Federal law, had installed a filtering system on all computers with Internet access, in an attempt to protect minors from access on the Internet to inappropriate materials, as determined by the Children's Internet Protection Act.
    - (1) OSD/ODE will monitor student use of the OSD/ODE's Internet service through random audits of internet use and attempts to access blocked materials, student folders, and/or physical devices. OSD/ODE will conduct a random audit at least monthly.
    - (2) OSD/ODE will train students regarding Internet safety annually.
  - d. Use of computer networks to promote or participate in inappropriate, unethical or unlawful activities is prohibited. The following acts are considered inappropriate, unethical or illegal and students and staff in violation will have access terminated.
    - (1) Use of profanity, obscenity, or other language that may be offensive to others.
    - (2) Sending or retrieving pornographic materials
    - (3) Making personal attacks on other people, organizations, religions, disabilities, sexual orientations or ethnicities.
    - (4) Harassing another person (cyberbullying)
    - (5) Sending or posting false or defamatory information about a person, group or organization that might result in reputation damage.
    - (6) Disrespecting the privacy of others by posting personal information about them including, but not limited to, address, telephone, email, photographs, birth date
    - (7) Using any information technology resource for personal gain, political movements or campaigns, non-OSD related fund raising, or actions that conflict with OSD program guidelines, state statutes and administrative rules.
    - (8) Forwarding or posting personal communications without the author's prior consent.
    - (9) Unauthorized access, including so-called "hacking," and any behaviors that would compromise or threaten the OSD network, computer hardware or software, telecommunications or security.
    - (10) Unauthorized disclosure, use, and dissemination of personal identification information regarding minors.
  - e. Users of OSD/ODE computer networks are required to obey laws and legal agreements governing copyright.
  - f. OSD/ODE may suspend or revoke the access of a user to the computer network and Internet and may report the violation to law enforcement authorities if the user violates the OSD/ODE Code of Policies and Rules.

2. Disclaimers.

- a. OSD/ODE does not make any warranties, expressed or implied, including, without limitation, those of merchantability and fitness for a particular purpose, that the functions or services performed by or the information or software contained on the system will meet the requirements of the system user.
- b. OSD/ODE does not warrant that the system will be uninterrupted or error free.
- c. OSD/ODE system will be provided on an as is available basis.
- d. OSD/ODE does not warrant that identified defects will be corrected.
- e. OSD/ODE will not be responsible for damages or liability resulting from a system user divulging his/her personal or system information.
- f. Inaccurate and/or objectionable material.
  - (1) OSD/ODE system may provide access to other electronic communications systems that contain inaccurate and/or objectionable material.
  - (2) OSD/ODE is not responsible for verifying the accuracy of information posted to web sites outside of the direct control of the organization.
  - (3) Parents or other persons in parental relationship of a student are expected to monitor the student's home usage of the OSD/ODE systems and equipment.
- g. Opinions, advice, services, and all other information expressed by system users, information providers, service providers, or other third party individuals in the system are those of such individuals and not of OSD/ODE.
- h. OSD/ODE will assume no responsibility or liability for any membership or telephone charges, including, but not limited to, long distance charges, per minute or unit charges, and/or equipment or line costs incurred by any home usage of OSD/ODE owned systems and equipment.
- i. A system user may not purchase or download software, music, movies, etc. on to OSD/ODE owned systems or devices.

3. The School Director is empowered to direct staff to establish additional procedures that will provide safety for students, staff, parents and other persons in parental relationship, and for the computer systems; and that will provide opportunity for students and staff to utilize networking technology and Internet to enhance the educational process.

Student Name: \_\_\_\_\_  
(Please print) Last Name                      First Name                      MI

**Parent/Guardian:**

By signing, I give permission for my child to be assigned a network account.

Parent Signature: \_\_\_\_\_

**Student:**

By signing, I agree to adhere to the guidelines stated above for use of my network account.

Student Signature: \_\_\_\_\_

References: 17U.S.C. Section 109; ORS 164.125; ORS 164.377; ORS 332.107; ORS 339.240 to -339.280; Child Internet Protection Act (CIPA).

# Oregon School for the Deaf

## Staff iPad Usage Agreement

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Department

I understand the iPad is provided for me to use at school (and home), and I agree to the following terms:

- I will make efforts to seek how iPads benefit the students and the school.
- I am responsible for understanding and adhering to all copyright requirements related to digital media and the use of the iPad.
- I understand we are operating under the Layered Ownership Model and will manage personal and Oregon School for the Deaf (OSD) owned applications on the iPad. Go to <http://www.apple.com/education/resources/videos/#ios-layered-ownership> to learn more about the Layered Ownership Model.
- The iPad issued to me is covered against: accidental damage, theft, vandalism, fire, flood, natural disasters and power surge due to lightning. If one of these occurs, I agree to pay a \$50.00 deductible\*.
- In the event of accidental damage to the iPad, I will complete the provided claim form and turn it in to the technology coordinator as soon as possible.
- In the event of theft or vandalism of the iPad, I will file a police report and obtain a copy of it.
- Then I will complete the provided claim form and turn in both the claim form and a copy of the police report to the technology coordinator as soon as possible.
- If I lose/break the charger and/or the case, I agree to pay the replacement cost for the charger of \$30.00 and/or the case of \$50.00.
- I will keep the iPad in a secure location when not in use.
- I understand the insurance coverage for this iPad will expire: 3/13/2016

\* Does not apply to SVRS units.

I understand all the rules above. Failure to comply may result in the loss of iPad privileges.

\_\_\_\_\_  
iPad Serial Number

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

## Electronic System Use Authorization

### Overview:

The security and well being of Agency data, electronic systems, and hardware systems are of utmost importance. The agency's data is a valuable asset. Without proper security practices, our data is at risk of being damaged or compromised. Authorized users of the agency's computers are responsible to follow good security practices to protect this resource. Therefore, the Department of Education has adopted several policies and procedures relating to the use and security of electronic systems. The following policies and procedures set guidelines to be used by all Oregon Department of Education (ODE) employees using systems provided by ODE. All employees are expected to comply with these policies and procedures.

ODE adopts the Department of Administrative Services ([DAS](#)) "[Acceptable Use](#)" policy as the foundation for technology-related policies and procedures.

See: [http://www.oregon.gov/DAS/EISPD/ITIP/pol\\_SITP1\\_3.shtml](http://www.oregon.gov/DAS/EISPD/ITIP/pol_SITP1_3.shtml) (See section 1.3)

- I have read the DAS Acceptable Use Policy (initial)
- I have read the DAS Acceptable Use Policy regarding games (initial)
- I have read the DAS Acceptable Use Policy regarding Internet usage (initial)

### The following policies and procedures extend or override the DAS Acceptable Use Policy:

#### Department of Education addendum, Password Procedures

- I have read the Password Procedure (initial)

#### Department of Education Policy: Handling Confidential Information, [ODE Policy 581-101](#)

- I have read the Department Policy (581-101) regarding transport of confidential information (initial)

#### Department of Education addendum: Use of Department Hardware and Software, [ODE Policy 581-302](#)

- I have read the section regarding Desktop Computer Security of Department Policy 581-302 (initial)

#### Department of Education addendum: Software Standards [ODE Policy 581-302](#)

- I have read the section regarding use of software of ODE Policy 581-302 (initial)

In addition, there are also other policies regarding Remote Access and Telecommuting – you should discuss with your manager whether these are appropriate for your position.

I have read the above policies and agree to comply with them. I further understand that noncompliance will result in appropriate disciplinary action up to and including dismissal from State service.

\_\_\_\_\_  
Name of Employee (printed)

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Security Officer

\_\_\_\_\_  
Date

### Acceptable Use Agreement

I, \_\_\_\_\_ acknowledge I am being granted use of state information assets in order to carry out my work and agree that my use of such assets will be conducted in a manner that ensures compliance with this Policy, Policy 107-001-010, and Policy 107-001-015, Oregon Accounting Manual Policy 40.10.00 PO and by Statewide Policy 107-001-016, Mobile Communication Device Usage While Driving.

I agree that any personal use of any provided Mobile Communication Device, will be identified on a monthly basis, and reimbursed to the agency through Payroll Deductions. I further understand that any personal use is also subject to taxation of the user.

I understand my usage will be monitored, without further warning, and that inappropriate usage may be cause for disciplinary action, including but not limited to reprimand, suspension, and termination of employment or Civil or criminal prosecution under federal and state law.

I understand that I must use a hands-free accessory when driving a motor vehicle while using a Mobile Communication Device, except where exclusions apply. Any traffic violations or payment of fines imposed for violation of any applicable laws are my personal responsibility.

I understand that the use of state information assets may be revoked at any time without further warning.

I acknowledge, I have read and understood this document by signing below. I further understand it is my responsibility to seek advice regarding any questions I might have regarding this document or policy prior to my signing.

\_\_\_\_\_  
Employee Name (please print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Manager/Supervisor Signature

\_\_\_\_\_  
Manager/Supervisor Signature

\_\_\_\_\_  
Date

**Agreement for an Electronic Communications System Account**  
(Nonschool System User)

I have read the school's Electronic Communications System policy and administrative regulation and agree to abide by their provisions. I understand that violation of these provisions will result in suspension or revocation of system access and related privileges and/or referral to law enforcement officials.

In consideration for the privilege of using the school's Electronic Communications System and in consideration for having access to the public networks, I hereby release the school, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my use or inability to use the system including, without limitation, the type of damages identified in the school's policy and administrative regulation.

Signature \_\_\_\_\_

Home Address \_\_\_\_\_

Date \_\_\_\_\_ Home Phone Number \_\_\_\_\_

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This space reserved for System Coordinator

Assigned Username: \_\_\_\_\_

**Agreement for an Electronic Communications System Account**  
(Staff System User)

I have read the school's Electronic Communications System policy and administrative regulation and agree to abide by their provisions. I understand that violation of these provisions will result in suspension or revocation of system access and related privileges, and may include discipline, up to and including dismissal and/or referral to law enforcement officials.

I understand that I may use my personal electronic device (PED) for education related purposes and that certain school proprietary information may be downloaded to my PED. I agree that any school proprietary information downloaded on my PED will only be as necessary to accomplish school purposes, obligations or duties, and will be properly removed from my PED when the use on my PED is no longer authorized. I insure that the personal electronic device in use is owned by me, and I am in complete control of the device at all times.

In consideration for the privilege of using the school's Electronic Communications System and in consideration for having access to the public networks, I hereby release the school, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my use or inability to use the system including, without limitation, the type of damages identified in the school's policy and administrative regulation.

Signature \_\_\_\_\_

Home Address \_\_\_\_\_

Date \_\_\_\_\_ Home Phone Number \_\_\_\_\_

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This space reserved for System Coordinator

Assigned Username: \_\_\_\_\_

## Field Trips and Special Events\*\*

The school recognizes the value of special activities to the total school program. Further, students need to be allowed to participate in and profit from carefully planned learning experiences which fall outside the normal school program/day.

Field trips and other curricular/cocurricular activities involving travel may be authorized by the Director when such trips or activities contribute to the achievement of desirable educational/social/cultural goals.

In planning and authorizing such trips, primary consideration will be given to educational values derived, the safety and welfare of students involved, community standards of conduct and behavior on the part of all participants and the selection of appropriate adult supervision, either from within the school staff or from the parent and community volunteer pool.

Written parental permission must be obtained for each special event. The signed form showing parental approval and acknowledgment of student conduct guidelines will be maintained on file for a period of one year.

The administration will develop rules to ensure both students and adult supervisors are acquainted with the standards for conduct while representing the school. Such rules will reinforce school policy in areas such as alcohol, tobacco and unlawful drug use, procedure to be used in cases of illness or accident, and methods for communicating with administrators/parents in discipline and emergency situations.

All out-of-state travel must have prior approval from the assistant superintendent of student services for the Oregon Department of Education. Such approval is predicated on an acceptable plan for travel arrangements, parental involvement, orientation of students and supervisors and support of the appropriate administrator(s).

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)

[ORS 336.183](#)

[ORS 339.155](#)

[OAR 581-022-1020](#)

# Oregon School for the Deaf

Code: **IICC**  
Adopted:

## Volunteers

Citizens who voluntarily contribute their time and talents to the improvement and enrichment of the schools' instructional and other programs are valuable assets. The school encourages constructive participation of groups and individuals in the school to perform appropriate tasks during and after school hours under the direction and supervision of professional personnel.

Any person authorized by the school for volunteer service into a position having direct, unsupervised contact with students will be required to undergo an Oregon criminal records check.

Nonexempt employees<sup>1</sup> may be permitted to volunteer to perform services for the school provided the volunteer activities do not involve the same or similar type of services<sup>2</sup> as the employee's regularly assigned duties. In the event a nonexempt employee volunteers to perform services for the school that are the same or similar as the employee's regularly assigned duties, the school recognizes that under the Fair Labor Standards Act (FLSA), overtime or compensatory time must be provided.<sup>3</sup>

The administration is responsible for the recruitment, use, coordination and training of volunteers. These assignments will be carried out as directed or delegated by the Director. Every effort should be made to use volunteer resources in a manner which will ensure maximum contribution to the welfare and educational growth of students.

END OF POLICY

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### Legal Reference(s):

[ORS Chapter 243](#)  
[ORS 326.607](#)

[ORS 332.107](#)

[OAR 839-020-0005](#)

Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206-207 (2006).

6/09/04 | MW

Corrected 6/26/15; Corrected 8/05/15

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<sup>1</sup>There are three types of FLSA exemptions: those for executive, administrative and professional employees. Generally, employees who are exempt under the executive, administrative or professional exceptions must primarily perform executive, administrative or professional duties at least 50 percent of the employee's time.

<sup>2</sup>Instructional assistant duties are generally viewed to be the same type of service, supervising and instructing students, as coaching.

<sup>3</sup>Schools should review with legal counsel the use of non-exempt employees in extracurricular activity positions such as coaching and as advisers for cheerleading and other school-sponsored activities for FLSA school impact.

### **Academic Achievement\*\***

The Oregon School for the Deaf believes it is important that teachers have as much accurate knowledge of student achievement as possible to assess students' needs and growth; thus, a sharing of information among parent, teacher and student is essential.

The school shall ensure that all students have the opportunity to demonstrate progress toward mastery of the knowledge and skills of the student's current grade level or course content level. Students who have not yet met or who exceed all of the standards at any grade level, will be offered additional services or alternative educational or public school options.

The Oregon Department of Education directs staff to follow these guidelines in measuring and determining student progress:

1. Parents and students will be informed at least annually, of their student's progress toward achieving the academic content standards, including but not limited to:
  - a. Information on progress in each subject area to meet or exceed the academic content standards at the student's current grade level or course content level, including major goals used to determine the information;
  - b. Specific evidence of student progress toward mastery of a continuum of academic knowledge and skills (academic content standards) of a subject area, upon request from a parent;
  - c. [Evidence of the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the school;]
  - d. Student scores on all state and local assessments indicating any of the requirements that have been waived for the school or the individual and time periods for the waiver; and
  - e. Student progress toward completion of diploma requirements to parents of students in grades 9-12, including credits earned, demonstration of extended application and demonstration of the Essential Skills.
2. Parents will be alerted and conferred with as soon as possible when a student's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration;
3. Grades and/or portfolio content assessment will be based upon academic performance and will not include student attitude. Grades will not be used for disciplinary purposes. Absenteeism or misconduct shall not be the sole criterion for the reduction of a student's grade. Behavior performance may be reported separately;
4. At comparable levels, the school system will strive for consistency in grading and reporting except when this consistency is inappropriate for certain classes or certain students;

5. When no grades are given but the student is evaluated in terms of progress, the school staff will also provide a realistic appraisal of the student's standing in relation to his/her peers;
6. The staff will take particular care to explain to parents the meaning of marks and symbols used to reflect student performance.

END OF POLICY

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**Legal Reference(s):**

[ORS 107.154](#)

[ORS 329.485](#)

[ORS 343.295](#)

[OAR 581-021-0022](#)

[OAR 581-022-1660](#)

[OAR 581-022-1670](#)

## **Promotion and Retention of Students Enrolled at OSD**

The Oregon School for the Deaf (OSD) supports practices that assist each student to attain the highest level of individual achievement possible. At times, it may become necessary to discuss the possibility of promoting or retaining a student to a different grade level. Because of the seriousness of making such a decision and due to the possible implications on the student academically, socially and emotionally as well as the implications to the school district in terms of adequate yearly progress (AYP), the individualized education program (IEP) team must make the final decision. The IEP team carefully weighs the risks versus the potential benefits using multiple sources of evidence in making the decision.

To guide the IEP team in making this crucial decision, a form has been developed to assist with the discussion and to document the decision-making process.

### **Procedures**

The following conditions must be present to promote or retain a student to a grade level:

1. The decision is made by the IEP team with all required members in attendance;
2. A parent or guardian must be present by phone or in person. A high school student or one over the age of 18 would be considered for retention only in very rare and unusual circumstances. High school students would graduate early rather than being promoted unless there was an unusual or rare reason to consider promotion;
3. Teachers at the present grade level should be consulted first. If the idea has merit, a preliminary meeting with the Director, supervising teacher, school psychologist and guidance counselor school needs to occur before any discussion with others about the possibility of retention or promotion. By meeting together to discuss the risks vs. rewards early on, the family can be spared unnecessary concern should the idea of retention or promotion be considered premature by the preliminary discussion team;
4. The supervising teacher speaks next to the local district representative to discuss the rationale behind the concept. The home school district's policies and procedures for retention or promotion must be included in the decision framework;
5. The concept is shared next at the IEP team meeting. The decision is made by this team;

6. There should be a discussion between the middle school and high school supervising teachers if a student is being considered for attendance in a high school class without changing grade level. The student's maturity level and ability to be in an environment with older students needs to be considered carefully at the IEP team meeting before any decision is made.

END OF POLICY

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**Legal Reference(s):**

[OAR 581-022-1130](#)

[OAR 581-022-1670](#)

**Oregon School  
for the Deaf**

Code: **IKE-AR**  
Revised/Reviewed: 2/10/10  
Orig. Code(s): None

**Retention or Double Promotion Form**

School Year \_\_\_\_\_ - \_\_\_\_\_

All decisions to retain or double promote a student are made by the student's individualized education program (IEP) team. The parent/guardian must be present by phone or in person at the meeting.

This decision is being made at an IEP meeting occurring on:

Date: \_\_\_\_\_ Meeting participants include: \_\_\_\_\_

Parent is  in attendance  participating by phone.  Student is 18 years of age.

Student Name \_\_\_\_\_

Present Grade Level \_\_\_\_\_ Recommended Grade Level \_\_\_\_\_

Student named above is being considered for  retention at \_\_\_\_\_  double promotion to \_\_\_\_\_  
grade level for the following reasons:

The risks vs. benefits have been weighed carefully and the following decision has been reached by the IEP team. The IEP team has decided that the student:

- Should not be retained at this time.  Should not double promote at this time.
- Should be retained in grade \_\_\_\_\_ beginning on \_\_\_\_\_ (date).
- Should be double promoted to grade \_\_\_\_\_ beginning on \_\_\_\_\_ (date).

Reasons for this decision:

Sign below if you agree with this decision:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Sign below if you disagree with this decision:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **Graduation Requirements\*\***

The Oregon Department of Education will establish graduation requirements for the awarding of a high school diploma, a modified diploma, an extended diploma and an alternative certificate which meet or exceed state requirements.

A student may satisfy graduation requirements in less than four years. The school will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if they are 18 years of age or older or emancipated.

The school will ensure that students have onsite access to the appropriate resources to achieve a diploma, a modified diploma, an extended diploma or an alternative certificate at each high school. The school will provide age appropriate and developmentally appropriate literacy instruction to all students until graduation.

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

The school may award a modified diploma or an extended diploma to a student only upon the written consent of the student's parent or guardian. The school shall receive the written consent during the school year in which the modified diploma or the extended diploma is awarded. A student who is emancipated or has reached the age of 18 at the time the modified diploma or the extended diploma is awarded may sign the consent.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in either four years after starting the ninth grade, or until the student reaches the age of 21, if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years but not less than three years. In order to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the Director who will annually report to the Superintendent of Public Instruction the number of such consents.

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

A student who receives a modified diploma, an extended diploma or an alternative certificate will have the option of participating in a high school graduation ceremony with the student's class.

A student who receives a modified diploma, an extended diploma or an alternative certificate shall have access to individually designed instructional hours, hours of transition services and hours of other services that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school, unless reduced by the IEP team.

The school will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an individualized education program (IEP) completes high school, the school will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a Free Appropriate Public Education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternate certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, an extended diploma or an alternative certificate is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified of graduation and diploma requirements.

END OF POLICY

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**Legal Reference(s):**

[ORS 329.095](#)  
[ORS 329.451](#)  
[ORS 332.107](#)  
[ORS 332.114](#)  
[ORS 338.115](#)  
[ORS 339.115](#)  
[ORS 339.505](#)

[ORS 343.295](#)  
  
[OAR 581-022-0615](#)  
[OAR 581-022-0617](#)  
[OAR 581-022-1130](#)  
[OAR 581-022-1131](#)

[OAR 581-022-1133](#)  
[OAR 581-022-1134](#)  
[OAR 581-022-1135](#)  
[OAR 581-022-1210](#)  
[OAR 581-022-1215](#)  
[OAR 581-022-1350](#)

TEST ADMINISTRATION MANUAL, APPENDIX L-REQUIREMENTS FOR ASSESSMENT OF ESSENTIAL SKILLS.

# Oregon School for the Deaf

Code: **IKF-AR**  
Adopted:

## Graduation Requirements

### Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits depending upon when the student first enrolled as a freshman according to the following table:

Subject	Student first enrolled in grade nine during 2010-11 school year or first enrolled in grade nine in any subsequent years (Graduates of 2014 and beyond)
English	4 (one unit in written composition)
Math	3 (at Algebra I level and higher)
Science	3
Social Studies	3
Health	1
PE	1
Career Technical Ed, The Arts or World Language (in any one or combination thereof)	3
Electives	6
<b>Total credits required to graduate:</b>	<b>24</b>
<b>Essential Skills required:</b>	
	Read and comprehend a variety of text, write clearly and accurately, apply math.
	Enrolled in grade nine during 2011-12 school year or first enrolled in grade nine in any subsequent school year (Graduates of 2015 and beyond): Read and comprehend a variety of text, write clearly and accurately, apply math, any additional Essential Skills adopted by the State Board of Education.
<b>Other graduation requirements:</b>	
	Develop an education plan and build an education profile
	Demonstrate extended application through a collection of evidence
	Participate in career-related learning experiences

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

### Modified Diploma

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

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

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

<b>Subject</b>	<b>Modified Diploma Requirements</b>
English	3
Math	2
Science	2
Social Studies	2
Health	1
PE	1
Career Technical Ed, The Arts or World Language	1
Electives	12
<b>Total credits required for modified diploma:</b>	24
<b>Essential Skills required:</b>	
	Read and comprehend a variety of text, write clearly and accurately, apply math.
	Enrolled in grade nine during 2011-12 school year or first enrolled in grade nine in any subsequent school year (Graduates of 2015 and beyond): Read and comprehend a variety of text, write clearly and accurately, apply math, any additional Essential Skills adopted by the State Board of Education.
<b>Other graduation requirements:</b>	
	Develop an education plan and build an education profile.
	Demonstrate extended application through a collection of evidence.

The school may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

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

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

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

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

### **Extended Diploma**

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

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

### **Alternative Certificates**

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

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Personally Identifiable Information**. . . . .	<a href="#"><u>JOB</u></a>

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: **JB**  
Adopted:

## Equal Educational Opportunity

Every student of the school will be given equal educational opportunities regardless of age, sex, sexual orientation<sup>1</sup>, race, religion, color, national origin, disability, marital status, linguistic background, culture, capability or geographic location.

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

The Director will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX. The Title IX coordinator will investigate complaints communicated to the 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 school will adopt and will publish grievance procedures providing for prompt and equitable resolution of student and employee complaints under Title IX.

END OF POLICY

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### Legal Reference(s):

[ORS 174.100](#)  
[ORS 192.630](#)  
[ORS 326.051](#)  
[ORS 329.025](#)  
[ORS 329.035](#)  
[ORS 336.067](#)  
[ORS 336.082](#)

[ORS 336.086](#)  
[ORS 342.123](#)  
[ORS 659.850](#)  
[ORS Chapter 659](#)  
[ORS Chapter 659A](#)  
[ORS 659A.003](#)  
[ORS 659A.006](#)

[ORS 659A.030](#)  
[OAR 581-021-0045](#)  
[OAR 581-021-0046](#)  
[OAR 581-022-1140](#)  
[OAR 839-003-0000](#)

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

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

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

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

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

Americans with Disabilities Act Amendments Act of 2008.

R2/26/09|RS

Corrected 7/01/15; Corrected 8/05/15

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<sup>1</sup>“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual’s sex at birth.

### **Sexual Harassment – Students**

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

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

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one’s sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

All complaints about behavior that may violate this policy shall be promptly investigated. Any student 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, school nurse, principal or the Director, 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 buildings. 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

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**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 581-021-0038](#)

[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).

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

## **Sexual Harassment Complaint Procedure – Student**

The principal and the Director 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 presented to the principal or Director. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates. If the complaint is against the Director the complaint will be filed with the assistant superintendent of student services at the Oregon Department of Education (ODE).
- Step 2 The school official receiving the information or complaint shall promptly initiate an investigation. He/She will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The school's 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 3, he/she may submit a written appeal to the assistant superintendent of student services at ODE. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The assistant superintendent of student services shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The assistant superintendent of student services shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Direct complaints related to educational programs and services may be made to the 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 or the Director or the assistant superintendent of student services at ODE.

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 school office.

The Director 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 at ODE.

**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: \_\_\_\_\_

# Oregon School for the Deaf

Code: **JEA**  
Adopted: 4/26/04  
Orig. Code(s): None

**ON HOLD**

## Compulsory School Attendance

Regular, full-time attendance at school is required under Oregon law and is necessary for students to fully benefit from the education program. The provision of a Free Appropriate Public Education (FAPE) is a requirement of the Individuals with Disabilities Education Act, and includes safeguards related to extended student absences.

The Oregon School for the Deaf will monitor student absences and contact the parents of absent students, and their school districts as necessary.

END OF POLICY

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### Legal Reference(s):

[ORS 153.018](#)

[ORS 163.577](#)

[ORS 336.615 to -336.665](#)

[ORS 339.010 to -339.090](#)

[ORS 339.925](#)

[ORS 339.990](#)

[ORS 807.065](#)

[ORS 807.066](#)

[OAR 581-021-0026](#)

[OAR 581-021-0029](#)

[OAR 581-021-0071](#)

[OAR 581-021-0077](#)

# Oregon School for the Deaf

Code: **JECAC/GBH**  
Adopted: 8/08/01  
Orig. Code(s): None

## 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

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**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).

# Oregon School for the Deaf

Code: **JEDB**  
Adopted: 7/01/00

## **Student Campus Dismissal Precautions**

No teacher may permit any individual student to leave school prior to the regular hour of dismissal except by permission of the Director or designee. A student will not be released to any person without the approval of his/her parent or as provided for in Oregon Revised Statutes.

The Director will develop procedures for parents wishing to pick up their student from school prior to the end of the student's school day, and for residential students signing in and out for homegoing and returning to the school.

Signing residential students in and out (as they arrive and leave for homegoing) becomes a legal and important record. A loose-leaf notebook should be kept separate from a Log Book for the purpose of signing students out for homegoing and returning to the school.

END OF POLICY

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

[ORS 332.107](#)

Corrected 7/01/15; Corrected 8/05/15

## **Student Dismissal Procedures**

Signing residential students in and out (as they arrive and leave for homegoing) is a legal document. A loose-leaf notebook should be kept separate from a Log Book for the purpose of signing students out for homegoing and returning to the school.

<b>Responsibility</b>	<b>Action</b>
Dorm Counselor	<ol style="list-style-type: none"><li>1. The counselor on duty is responsible to see that the information on the form is complete, correct, and clearly written. This is very important since it becomes a matter of permanent record and could be used for legal and statistical purposes.</li><li>2. A new set of forms should be used for each week's homegoing and returning from home. They should be turned in to the administration office and put in the notebook.</li><li>3. As a reminder to you, read the top of the Sign Out/Sign In form and follow it explicitly.<ol style="list-style-type: none"><li>a. A parent having permission to take the student off campus.</li><li>b. A person representing the parent having standing permission or written permission (on their person) from the parent to take the student off campus. Standing permission can be verified in the Student Registry notebook. Written permission must be signed by the parent and must be left for further reference and filing.</li></ol></li><li>4. It is extremely important that you be cautious concerning the use of the Sign Out/Sign In procedure.</li></ol>

Corrected 7/01/15; Corrected 8/05/15

## Student Rights and Responsibilities\*\*

The Oregon School for the Deaf has the responsibility to afford students the rights that are theirs by virtue of guarantees offered under federal and state constitutions and statutes. In connection with rights are responsibilities that must be assumed by students.

Among these student rights and responsibilities are the following:

1. Civil rights — including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others;
2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school;
3. The right to due process of law with respect to suspension, expulsion and decisions which the student believes injure his/her rights;
4. The right to free inquiry and expression; the responsibility to observe reasonable rules regarding these rights;
5. The right to privacy, which includes privacy with respect to the student's education records.

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

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

END OF POLICY

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### Legal Reference(s):

[ORS 332.061](#)  
[ORS 332.072](#)  
[ORS 337.150](#)  
[ORS 339.155](#)

[ORS 339.240](#)  
[ORS 339.250](#)  
[ORS 659.850](#)  
[ORS 659.865](#)

[OAR 581-021-0045](#)  
[OAR 581-021-0046](#)  
[OAR 581-021-0050 to -0075](#)  
[OAR 581-022-1140](#)

Hazelwood Sch. District v. Kuhlmeier, 484 U.S. 260 (1988).  
Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

# Oregon School for the Deaf

Code: **JFC**  
Adopted:

## Student Conduct\*\*

The Oregon School for the Deaf (OSD) expects student conduct to contribute to a productive learning climate. Students shall comply with the school's written rules, pursue the prescribed course of study, submit to the lawful authority of school staff and conduct themselves in an orderly manner at school during the school day or during school-sponsored activities.

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

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

Students in violation of OSD policy, administrative regulation and/or code of conduct provisions will be subject to discipline up to and including expulsion. Students may be denied participation in extracurricular activities. Titles and/or privileges available to or granted to students may also be denied and/or revoked (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). A referral to law enforcement may also be made.

The school will annually record and report expulsion data for conduct violations as required by the Oregon Department of Education.

END OF POLICY

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### Legal Reference(s):

[ORS 339.240](#)  
[ORS 339.250](#)

[ORS 659.850](#)

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

Hazelwood Sch. District v. Kuhlmeier, 484 U.S. 260 (1988).  
Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).  
Shorb v. Grotting and Powers Sch. Dist., Case No. 00CV-0255 (Coos County Circuit Ct.) (2000).  
Ferguson v. Phoenix Talent Sch. Dist. #4, 172 Or. App. 389 (2001).  
No Child Left Behind Act of 2001, 20 U.S.C. § 7912 (2006).

## **Personal Electronic Devices and Social Media\*\***

Students may be allowed to use and possess personal electronic devices on school property and at school-sponsored activities provided such devices are not used in any manner that may disrupt the learning environment or school-sponsored activities, or violate school policies, administrative regulations, school or classroom rules, state and federal law.<sup>1</sup>

As used in this policy, a “personal electronic device” is a device that is capable of electronically communicating, sending, receiving, storing, recording, reproducing and/or displaying information and data.

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

Students may not access social media websites using school equipment, while on school property or at school-sponsored activities unless the access is approved by a school representative.

The school will not be liable for personal electronic devices brought to school property and school-sponsored activities. The school will not be liable for information or comments posted by students on social media websites when the student is not engaged in school activities and not using school equipment.

The Director is directed to develop school rules as necessary to ensure that student use of such devices is consistent with this policy. School rules may include grade- or age-level possession and/or use restrictions by students on school property and at school-sponsored activities; consequences for violations; a process for responding to a student’s request to use a personal electronic device, including an appeal process if the request is denied; and such other provisions as the superintendent may deem necessary. The superintendent is responsible for ensuring that pertinent provisions of school policies, administrative regulations and school rules governing personal electronic devices are included in staff handbooks and student/parent handbooks, reviewed annually and updated as necessary.

END OF POLICY

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

**Legal Reference(s):**

[ORS 332.107](#)

[ORS 336.840](#)

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

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

The Oregon School for the Deaf (OSD) is committed to providing a positive and productive learning environment at the OSD. Hazing, harassment, intimidation or bullying, menacing and acts of cyberbullying by students, staff and third parties toward students is strictly prohibited. Teen dating violence is unacceptable behavior and prohibited. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

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

The principal and the Director are responsible for ensuring that this policy is implemented.

**Definitions**

“School” includes school facilities, school premises and nonschool property if the student 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.

“Third parties” include, but are not limited to, coaches, 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 school control at inter-school and intra-school athletic competitions or other school events.

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

other such activities intended to degrade or humiliate. It is not a defense against hazing that the student subjected to hazing consented to or appeared to consent to the hazing.

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

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
3. Creating a hostile educational environment including interfering with the psychological well being of the student and may be based on, but not limited to, the protected class of the person.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation<sup>1</sup>, national origin, marital status, familial status, source of income or disability.

“Teen dating violence” means:

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

“Cyberbullying” is the use of any electronic communication device to harass, intimidate or bully. Students and staff will refrain from using personal communication devices or school property or equipment to violate this policy.

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

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

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<sup>1</sup>“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual’s sex at birth.

## **Reporting**

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

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

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

Complaints against the principal shall be filed with the Director. Complaints against the Director shall be filed with the Oregon Department of Education's (ODE), assistant superintendent of student services.

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

The school shall incorporate into existing training programs for students information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying.

The school shall incorporate age-appropriate education about teen dating violence into new or existing training programs for students in grade 7 through 12.

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

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

END OF POLICY

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**Legal Reference(s):**

<a href="#">ORS 163.190</a>	<a href="#">ORS 332.107</a>	<a href="#">OAR 581-021-0045</a>
<a href="#">ORS 166.065</a>	<a href="#">ORS 339.240</a>	<a href="#">OAR 581-021-0046</a>
<a href="#">ORS 166.155 to-166.165</a>	<a href="#">ORS 339.250</a>	<a href="#">OAR 581-021-0055</a>
<a href="#">ORS 174.100(6)</a>	<a href="#">ORS 339.254</a>	<a href="#">OAR 581-022-1140</a>
<a href="#">ORS 332.072</a>	<a href="#">ORS 339.351 to-339.366</a>	

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

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

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

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

- Step 1** Any hazing, harassment, intimidation or bullying, menacing, acts of cyberbullying and incidents of teen dating violence information (complaints, rumors, etc.) shall be presented to the Director. Complaints against the principal shall be filed with the Director. Complaints against the Director shall be filed with the Oregon Department of Education’s (ODE) assistant superintendent of student services. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2** The school official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The school official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The school official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the Director.
- Step 3** If the complainant is not satisfied with the decision at Step 2, a written appeal may be filed with ODE’s assistant superintendent of student services. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The assistant superintendent of student services for ODE shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The assistant superintendent of student services for ODE shall provide a written decision to the complainant within 10 working days following completion of the hearing.

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

Documentation related to the incident may be maintained as a part of the student's education records. Additionally, a copy of all hazing, harassment, intimidation or bullying, menacing, acts of cyberbullying and incidents of teen dating violence complaints and documentation will be maintained as a confidential file in the OSD school office.

# Oregon School for the Deaf

Code: **JFCG/JFCH/JFCI**  
Adopted:

## **Use of Tobacco Products, Alcohol, Drugs or Inhalant Delivery Systems\*\***

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

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

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

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

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

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