

FOREWORD

The policy statements in this document were adopted by the Board to govern both the function of its internal staff and the general operation of the schools and related services.

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There are 10 major sections to the manual:

A/B	Board Governance	G	Personnel
C	Administration	H	Negotiations
D	Fiscal Management	I	Instruction
E	Support Services	J	Students
F	Facilities	K/L	Community Relations

There are no policies for Section H since collective bargaining in Oregon is governed by statute.

Coding within each section follows an alphabetical sequence which is read from left to right, like a library card catalogue, with subheadings for major policy areas within each section. Studying the Table of Contents for each section would help to familiarize users with the coding system and the organization of each section.

To find a particular policy, look in the index at the back of the manual. If you can't find the topic you're seeking, try looking in the most likely section and scan the Table of Contents. All policies have been referenced with the appropriate Oregon Revised Statutes and Oregon Administrative Rules, federal rules and regulations and case law.

OREGON SCHOOL FOR THE DEAF

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The following symbol is used on some policies:

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The

determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

Nondiscrimination

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

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

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

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

The OSD prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under state and federal law.

END OF POLICY

¹"Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

Legal Reference(s):

ORS 174.100	ORS 659A.009	ORS 659A.309
ORS 192.630	ORS 659A.029	ORS 659A.321
ORS 326.051(1)(e)	ORS 659A.030	ORS 659A.409
ORS 342.934(3)	ORS 659A.043	
ORS 659.805	ORS 659A.103	OAR 581-015-0054
ORS 659.815	ORS 659A.109	OAR 581-021-0045
ORS 659.850	ORS 659A.112 to -659A.139	OAR 581-021-0046
ORS 659.865	ORS 659A.142	OAR 581-021-0049
ORS 659.870	ORS 659A.145	OAR 581-022-1140
ORS 659A.003	ORS 659A.233	OAR 839-003-0000
ORS 659A.006	ORS 659A.236	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (2006).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments Act of 2008.
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.
Title II of the Genetic Information Nondiscrimination Act of 2008.

Cross Reference(s):

ACA - Americans with Disabilities Act
GBA - Equal Employment Opportunity
JB - Equal Educational Opportunity

Discrimination Complaint Procedure

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

Step 1: Complaints may be oral or in writing (using the Discrimination Complaint Form) and must be filed with the supervisor. The supervisor shall investigate and determine the action to be taken if any, and reply in writing to the complainant within 10 school days.

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

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

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

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

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

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

Discrimination Complaint Form

Name of Person Filing Complaint

Date

Department at OSD: _____

- Type of Discrimination:
- Race
 - Color
 - Religion
 - Sex
 - Age
 - National Origin
 - Disability
 - Marital Status
 - Sexual Orientation
 - Other _____

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

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

Suggested solution/resolution/outcome: _____

Give this complaint form to your supervisor. (Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filled with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.)

Oregon School for the Deaf

Code: **ACA**
Adopted: 4/14/16

Americans with Disabilities Act

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Chevron U.S.A. Inc. v. Echazabal, 536 U.S. 73 (2002).
Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

AC - Nondiscrimination
GBA - Equal Employment Opportunity
GBL - Personnel Records
JB - Equal Educational Opportunity

ADA Grievance Procedure

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

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

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

Oregon School for the Deaf

Code: **BFC**
Adopted: 4/14/16

Adoption and Revision of Policies

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

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

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

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

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

The policy manual will be reviewed at the beginning of each year to keep it current.

END OF POLICY

Legal Reference(s):

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

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

Administrative Regulations

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 346.089](#)

Oregon School for the Deaf

Code: **CB**
Adopted: 4/14/16

Director

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 346.089](#)

[OAR 581-016-0780](#)

Cross Reference(s):

CBG - Evaluation of the Director

Oregon School for the Deaf

Code: **CBB**
Adopted: 4/14/16

Recruitment and Appointment of the Director

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

**Oregon School
for the Deaf**

Code: **CBG**
Adopted: 4/14/16

Evaluation of the Director

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Cross Reference(s):

CB - Director

Oregon School for the Deaf

Code: **CHCA**
Adopted: 4/14/16

Approval of Handbooks and Directives

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-016-0850](#)

Oregon School for the Deaf

Code: **CHD**
Adopted: 4/14/16

Administration in the Absence of Policy

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-016-0780](#)

[OAR 581-016-0850](#)

**Oregon School
for the Deaf**

Code: **CI**
Adopted: 4/14/16

Temporary Administrative Arrangements

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Oregon School for the Deaf

Code: **DH**
Adopted: 4/14/16

Bonded Employees and Officers

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

END OF POLICY

Legal Reference(s):

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

Oregon School for the Deaf

Code: **DIBA**
Adopted: 3/25/08
Revised/Readopted: 4/14/16

Trust Accounts

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

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

END OF POLICY

Legal Reference(s):

[ORS 346.055](#)

Oregon School for the Deaf

Code: **DJ**
Adopted: 4/14/16

School Purchasing

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 244.040](#)

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

[ORS 294.311](#)

[ORS 328.441 to -328.470](#)

[ORS 334.125](#)

[OAR 125-055-0040](#)

Expenditure of School Funds for Meals, Refreshments and Gifts

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

The use of school funds, as used in this regulation, means the use of money in any of the general accounts of the school. Exceptions are funds collected from staff members or others for the specific purpose of providing gifts or parties. It is also recognized that the school may have established a “social fund” or “sunshine fund” to which each staff member may voluntarily contribute. Such funds are generally used for birthday recognition, bereavement and illness acknowledgment activities, etc. These funds are also exempt from the following requirements.

Gifts

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

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

**Oregon School
for the Deaf**

Code: **DJB**
Adopted: 4/14/16

Petty Cash Accounts

Petty cash funds will be established annually, not to exceed \$500. Such funds will be used for the payment of properly itemized bills of nominal amounts and under conditions calling for immediate payment. Allowances, responsibility, security and accounting of petty cash funds will be in accordance with school policy and requirements of law.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Oregon School for the Deaf

Code: **DLC**
Adopted: 4/14/16

Expense Reimbursements

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

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS 332.107](#)

[ORS 346.010](#)

[ORS 346.019](#)

[OAR 581-016-0850](#)

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

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

Oregon School for the Deaf

Code: **DN**
Adopted: 10/07/08
Revised/Readopted: 4/14/16

Property Transfer and Disposal

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

END OF POLICY

Legal Reference(s):

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

Oregon School for the Deaf

Code: **EB**
Adopted: 4/14/16

Safety Program

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

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

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

The Director will develop and implement a safety program which will include, but not be limited to, compliance with and enforcement of all state and federal laws, rules and regulations.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 332.107](#)
[ORS 654.003 to -654.022](#)

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

[OAR 437-002-0140](#)
[OAR 437-002-0144](#)
[OAR 437-002-0145](#)
[OAR 437-002-0180 to -0182](#)
[OAR 437-002-0260 to -0268](#)
[OAR 437-002-0360](#)

[OAR 437-002-0368](#)
[OAR 437-002-0377](#)
[OAR 437-002-0390](#)
[OAR 437-002-0391](#)
[OAR 581-016-0840](#)
[OAR 581-022-0606](#)

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

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

Cross Reference(s):

EBAC - Safety Committee
EBB - Integrated Pest Management

Oregon School for the Deaf

Code: **EBAC**
Adopted: 4/14/16

Safety Committee

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 654.176](#)

[ORS 654.182](#)

[OAR 437-001-0765](#)

[OAR 581-016-0840](#)

Cross Reference(s):

EB - Safety Program

Safety Committee

Safety Officer

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

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

Safety Committee

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

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

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

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

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

The safety committee will:

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

Duties of the safety committee will include:

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

9. Evaluating employee/supervisor training needs.

Degree of Authority

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

Integrated Pest Management

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

The IPM plan is a proactive strategy that:

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

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

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

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

Integrated Pest Management Plan Coordinator

The IPM Plan Coordinator shall:

1. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;
2. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;
3. Oversee pest prevention efforts;
4. Ensure identification and evaluation of pest situation;
5. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
6. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;
7. Evaluate pest management results; and
8. Keep for at least four years following the application date, records of applied pesticides that include:
 - a. A copy of the label;
 - b. A copy of the Safety Data Sheet;
 - c. The brand name and USEPA² registration number of the product;
 - d. The approximate amount and concentration of pesticide applied;
 - e. The location of where the pesticide was applied;
 - f. The type of application and whether the application was effective;
 - g. The name(s) of the person(s) applying the pesticide;
 - h. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
 - i. The dates and times for the placement and removal of warning signs; and
 - j. Copies of all required notices given, including the dates the IPM Coordinator gave the notices.

²U.S. Environmental Protection Agency

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

END OF POLICY

Legal Reference(s):

[ORS 634.116](#)
[ORS 634.700 to -750](#)

Cross Reference(s):

EB - Safety Program

Oregon School for the Deaf

Code: **EBBA**
Adopted: 4/14/16

First Aid**

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

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

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

Cross Reference(s):

EBBAA/GBEBC/JHCCC - Infection Control - HIV, AIDS, HBV
GBEBC/JHCCC/EBBAA - Infection Control - HIV, AIDS, HBV
JHCCC/EBBAA/GBEBC - Infection Control - HIV, AIDS, HBV

Infection Control - HIV, AIDS, HBV

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

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

Cross Reference(s):

EBBA - First Aid
GBEBC/JHCCC/EBBAA - Infection Control - HIV, AIDS, HBV
JHCCC/EBBAA/GBEBC - Infection Control - HIV, AIDS, HBV

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

Oregon School for the Deaf

Code: **EBBB**
Adopted: 4/14/16

Injury/Illness Reports

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

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

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

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

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

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

END OF POLICY

¹An injury or illness is work related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition.

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

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

Legal Reference(s):

[ORS 332.107](#)

[OAR 437-001-0015](#)

[OAR 437-001-0700](#)

[OAR 437-001-0760](#)

[OAR 581-016-0840](#)

Staff Injuries and Accidents – Procedures

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

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

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

Oregon School for the Deaf

Code: **EBC/EBCA**
Adopted: 4/14/16

Emergency Procedures and Disaster Plans

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

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

[ORS 433.260](#)

[ORS 433.441](#)

[OAR 437-002-0161](#)

[OAR 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 581-016-0840](#)

[OAR 581-022-0705](#)

Cross Reference(s):

JHCC - Communicable Diseases

Emergency Drills

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

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

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

Fire Emergencies

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

Earthquake Emergencies

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

Safety Threats

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 336.071](#)

[OAR 581-016-0840](#)

[OAR 581-022-1420](#)

Emergency Closures and Essential Personnel

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

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

Essential Personnel

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

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

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

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

Emergency Closures and Essential Personnel – Procedures

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

Oregon School for the Deaf

Code: **ECAAA**
Adopted: 6/17/04
Revised/Readopted: 4/14/16

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

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

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

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

An alternate process will be available for large group meetings.

END OF POLICY

Legal Reference(s):

[ORS 192.447](#)

[ORS 332.107](#)

[OAR 581-016-0870](#)

Identification Badges – Procedures

(Effective 2015-2016 school year)

Staff

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

Visitors

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

Student Teachers/Interns

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

Employees of Other Educational Organizations or Agencies

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

Group Meetings

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

Oregon School for the Deaf

Code: **ECAB**
Adopted: 4/14/16

Vandalism/Malicious Mischief/Theft**

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

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

Cross Reference(s):

JFC - Student Conduct
JO/IGBAB - Education Records/Records of Students with Disabilities
KGB - Public Conduct on School Property

Oregon School for the Deaf

Code: **EDC/KGF**
Adopted: 4/14/16

Authorized Use of School Equipment and Materials

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

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

END OF POLICY

Legal Reference(s):

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

[OAR 584-020-0040](#)

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

Cross Reference(s):

KG - Facility and Campus Usage
KGF/EDC - Authorized Use of School Equipment and Materials

Type-10 Pupil Transporting Vehicles at OSD

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

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

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

Vehicle Usage

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

Reminders

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

Local Wellness Program

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

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

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

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

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

Nutrition Education and Promotion

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

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

Nutrition Guidelines

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

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

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

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

Physical Activity Goals

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

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

Physical Activity

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

Physical Education

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

School Employee Wellness

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

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

SETTING GOALS FOR OTHER SCHOOL-BASED ACTIVITIES

Designed to Promote Student Wellness

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

Dining Environment

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

Time to Eat

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

Consistent School Activities and Environment

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

Building Capacity for the Realization of this Policy

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

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

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

Cross Reference(s):

EFAA - Nutrition and Food Services

Local Wellness Program

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

Definitions

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

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

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

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

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

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

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

b. Beverages must be:

(1) For elementary level students:

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

(2) For middle school level students:

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

(3) For high school level students:

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

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

Nutrition Promotion and Nutrition Education

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

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

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

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

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

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

Physical Education/Activity

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

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

Nutrition Guidelines and Food Services Operation

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

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

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

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

School Employee Wellness

The school employee wellness program may include the following:

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

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

Other School-Based Activities

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

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

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

Competitive Food Sales

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

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

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

Other Foods Offered or Sold

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

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

Staff Development

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

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

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

Family and Community Involvement

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

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

Program Evaluation

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

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

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

Nutrition and Food Services

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 327.520 to -327.535](#)

[OAR 581-051-0100](#)

[OAR 581-051-0400](#)

[OAR 581-016-0870](#)

[OAR 581-051-0305](#)

[OAR 581-051-0310](#)

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

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

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

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

Cross Reference(s):

EFA - Local Wellness Program

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

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

Meal Pricing Procedures

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

Application Procedures

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

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

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

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

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

Financial Management of the Nonprofit School Food Service

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

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

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

Civil Rights and Confidentiality Procedures

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

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

Nutrition and Menu Planning

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

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

Use and Control of Commodity Foods

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

Accuracy of Reimbursement Claims

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

Food Safety and Sanitation Inspections

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

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

General USDA NSLP/SBP/SMP Requirements

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

Record Keeping

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

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

Oregon School for the Deaf

Code: **FF**

Adopted: 6/04/96

Revised/Readopted: 4/14/16

Naming of School Facilities or School Rooms

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

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

END OF POLICY

Legal Reference(s):

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

[ORS 346.010](#)

Naming School Facilities or School Rooms

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

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

Oregon School for the Deaf

Code: **GBA**
Adopted: 4/14/16

Equal Employment Opportunity

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

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

The Director will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659A.006	OAR 581-021-0045
ORS 192.630	ORS 659A.009	OAR 581-022-1720
ORS 243.672	ORS 659A.029	OAR 839-003-0000
ORS 326.051	ORS 659A.030	OAR 839-006-0435
ORS 332.107	ORS 659A.109	OAR 839-006-0440
ORS 342.934	ORS 659A.142	OAR 839-006-0445
ORS 343.055(1)	ORS 659A.145	OAR 839-006-0450
ORS 408.225	ORS 659A.233	OAR 839-006-0455
ORS 408.230	ORS 659A.236	OAR 839-006-0460
ORS 408.235	ORS 659A.309	OAR 839-006-0465
ORS 659.850	ORS 659A.321	
ORS 659.870	ORS 659A.409	
ORS 659A.003	ORS 659A.805	

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

¹Sexual orientation means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated within the individual's sex at birth.

²The school grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (2006).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments act of 2008.
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.
Title II of the Genetic Information Nondiscrimination Act of 2008.

Cross Reference(s):

AC - Nondiscrimination
ACA - Americans with Disabilities Act

Staff Ethics

I. Conflict of Interest

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

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

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

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

If an employee has a potential or actual conflict of interest, the employee must notify his or her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict.

In order to avoid both potential and actual conflicts of interests, school employees must abide by the following rules when an employee’s relative or member of the household is seeking and/or holds a position with the school:

1. A school employee may not appoint, employ, promote, discharge, fire or demote or advocate for such an employment decision for a relative or a member of the household, unless he or she complies with the conflict of interest requirements of ORS Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position;
2. A school employee may not participate as a public official in any interview, discussion or debate regarding the appointment, employment, promotion, discharge, firing or demotion of a relative or a member of the household. An employee may still serve as a reference, provide a recommendation or perform other acts that are part of the normal job functions of the employee;
3. More than one member of an employee’s family may be hired as a regular school employee. In accordance with Oregon law, however, the school may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family.

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

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

II. Gifts

School employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the School employee. All gift-related provisions apply to the employee, their relatives, and members of their household. The \$50 gift limit applies separately to the employee and to the employee’s relatives or members of household, meaning that the employee and each member of their household and relative can accept up to \$50 each from the same source/gift giver.

1. “Gift” means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

¹The term spouse includes domestic partner.

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

Determining the Source of Gifts

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

Determining Legislative and Administrative Interest

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

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

Determining the Value of Gifts

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

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

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

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

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

Value of Unsolicited Tokens or Awards: Resale value

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

Entertainment

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

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

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

Exceptions

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

1. Gifts from "relatives" and "members of the household" are permitted in an unlimited amount; they are not considered gifts under the ethics rules;

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

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

7. A gift received by the employee as part of the usual or customary practice of the employee's private business, employment or position as a volunteer that bears no relationship to the employee's charter school position;
8. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

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

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

END OF POLICY

Legal Reference(s):

[ORS 244.010](#) to -244.400

[ORS 659A.309](#)

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

[ORS 332.016](#)

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

Staff Ethics

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

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

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

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

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

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

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

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

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

Dress Code

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

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

Guide to Business Casual Dressing for Work

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

Slacks, Pants and Suit Pants

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

Skirts, Dresses and Skirted Suits

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

Shirts, Tops, Blouses and Jackets

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

Shoes and Footwear

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

Perfume and Cologne

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

Hats and Head Covering

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

Religious Dress

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

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

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

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

Conclusion

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

END OF POLICY

Legal Reference(s):

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

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

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

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

Oregon School for the Deaf

Code: **GBD**
Adopted: 4/14/16

Stakeholders and Staff Communications

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-1720](#)

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

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

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

Mother Friendly Workplace

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

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

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

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

The school shall provide the employee a 30-minute rest period to breast-feed or express milk during each 4-hour work period, or the major part of a 4-hour work period, to be taken by the employee approximately in the middle of the work period.¹ If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the school.

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

This policy and a list of designated locations will be published in the employee handbook. A list of designated locations must be readily available upon request in the central office of each school facility and in the school's administrative office.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 653.077](#)

[ORS 653.256](#)

[OAR 839-020-0051](#)

Oregon School for the Deaf

Code: **GBEBA**
Adopted: 4/14/16

Staff - HIV, AIDS and HBV

The Oregon School for the Deaf (OSD) will strictly adhere in its policies and procedures, to the Oregon Revised Statutes and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS or HBV¹.

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

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

These guidelines shall identify who may have the information, who will give the information, how the information will be given, and where and when the information will be given. All such information will be held in confidence in accordance with Oregon Revised Statutes.

When informed of the infection, and with written, signed permission from the staff member, the OSD will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the staff member's condition.

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

The OSD shall also develop procedures for rumor control, infection control and public relations/media.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 332.107](#)

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

[ORS 433.008](#)

[ORS 433.045](#)

[ORS 433.260](#)

[OAR 333-017-0000](#)

[OAR 333-018-0000](#)

[OAR 333-018-0005](#)

[OAR 581-022-0705](#)

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

Infection Control - HIV, AIDS, HBV

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

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

Cross Reference(s):

EBBA - First Aid
EBBAA/GBEBC/JHCCC - Infection Control - HIV, AIDS, HBV
JHCCC/EBBAA/GBEBC - Infection Control - HIV, AIDS, HBV

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

Drug-Free Workplace

The school shall provide a drug-free workplace.

1. Definitions

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

2. Purpose

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

3. Applicability

This policy applies to all employees, including, but not limited to, those exempt, unclassified, management service, classified and temporary.

4. Prohibitions

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

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

6. Compliance with Policy

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

7. Sanctions and Remedies

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

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

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

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

9. Employee Assistance Program

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

10. Leave for Participation in Abuse Assistance or Rehabilitation Program

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

11. Establishment of Drug-Free Awareness Program

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

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

12. Notification by Employee of Conviction

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

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

The school shall notify the Oregon Department of Education of an employee's criminal drug statute conviction for a violation occurring in the workplace no later than 10 days after receiving notice of such conviction.

14. Provision of Copy of Policy to Employees

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

END OF POLICY

Legal Reference(s):

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

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

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

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

Drug and Alcohol Testing - Transportation Personnel

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)

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

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

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

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

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

SB 193 (2013)

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

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

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

Communication with Parents

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)

[ORS 109.056](#)

[ORS 163.245 to -163.257](#)

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

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

Cross Reference(s):

JECAC/GBH - Communication with Parents

Weapons in Schools - Staff

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

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

1. “Dangerous weapon” - any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. “Deadly weapon” - any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. “Firearm” - any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any other destructive device including any explosive, incendiary or poisonous gas.

Weapons under the control of law enforcement personnel are permitted.

The Director will ensure notice of this policy is provided.

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

END OF POLICY

Legal Reference(s):

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

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

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

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

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

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

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

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

Violation of this policy by nonstudents may result in the individuals removal from school property. The school reserves the right to restrict access to school property by individuals who are repeat offenders.

END OF POLICY

Legal Reference(s):

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

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

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

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

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

Cross Reference(s):

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

Personnel Records

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

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

ACA - Americans with Disabilities Act

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

Oregon School for the Deaf

Code: **GBM**
Adopted: 4/14/16

Staff Complaints

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

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

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

Reasonable efforts will be made to resolve complaints informally.

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-016-0870](#)

[OAR 581-022-1720](#)

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

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

Sexual Harassment – Staff

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

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

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

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

All complaints about behavior that may violate this policy shall be promptly investigated. Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report his/her concerns to their principal, the Director or an ODE human resources staff member. Any student who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report concerns to a teacher, counselor, or school nurse or principal, who will promptly notify the appropriate school official. The student and the student's parents or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)

[ORS 342.700](#)

[ORS 342.704](#)

[ORS 342.708](#)

[ORS 342.850](#)

[ORS 342.865](#)

[ORS 659.850](#)

[ORS 659A.006](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[OAR 581-016-0770](#)

[OAR 581-021-0038](#)

[OAR 584-020-0040](#)

[OAR 584-020-0041](#)

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

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

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

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

Sexual Harassment Complaint Procedure – Staff

Principals, or the Director will have responsibility for investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

- Step 1 Any sexual harassment information (complaints, rumors, etc.) shall be reported to the principal or the Director. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.
- Step 2 The school official receiving the information or complaint shall promptly initiate an investigation. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The official(s) conducting the investigation shall notify the complainant in writing when the investigation is concluded. The parties will have an opportunity to submit evidence and a list of witnesses.

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

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

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

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The ODE human resources staff member shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under OAR Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30

days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse. In the event the Director is the subject of the investigation, reports, when required, shall be made by the assistant superintendent of student services from the Oregon Department of Education.

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

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____

Date: _____

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

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____

Date: _____

Oregon School for the Deaf

Code: **GBNA**
Adopted: 4/14/16

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

The Oregon Department of Education (ODE) is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, bullying, menacing and acts of cyberbullying of students, staff or third parties by students, staff or third parties toward staff are strictly prohibited and shall not be tolerated in the school. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited.

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)

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

[ORS 166.065](#)

[ORS 166.155 to -166.165](#)

[ORS 332.107](#)

[ORS 659A.030](#)

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

Cross Reference(s):

JFCM - Threats of Violence

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

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

Complaint Procedures

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

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

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

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

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

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

Step 3 If the complainant is not satisfied with the decision at Step 2, a written appeal may be filed with the assistant superintendent of student services. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The assistant superintendent shall, within 10 working days, the complainant shall be given an opportunity to present the complaint. The assistant superintendent shall provide a written decision to the complainant within 10 working days.

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

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

Retaliation/False Charges

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

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.¹ 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.

¹Nothing 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”² 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

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).

Cross Reference(s):

JHFF - Reporting Requirements Regarding Sexual Conduct with Students

²Ibid. p. 1

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

Legal Reference(s):

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

[ORS 336.631](#)
[ORS 342.143](#)
[ORS 342.223](#)

[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).

Cross Reference(s):

ICC - Volunteers

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

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.

Cross Reference(s):

IGDA - Student Organizations

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

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: 4/14/16

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

Legal Reference(s):

[ORS 336.067](#)
[ORS 339.420](#)

Cross Reference(s):

IGBHD - Program Exemptions

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 School 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.

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 plan, related policies, rules and procedures will be reviewed annually and updated as needed.

END OF POLICY

Legal Reference(s):

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

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 grades 6 through 8 and at least twice during grades 9 through 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 Oregon Revised Statute (ORS) 336.035(2).

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

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

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

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

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

Legal Reference(s):

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

[ORS 339.370 to -339.400](#)
[OAR 581-022-0705](#)

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

Cross Reference(s):

IGBHD - Program Exemptions

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

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).

Cross Reference(s):

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

JOA - Directory Information

JOB - Personally Identifiable Information

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 School 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 or ODE 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: 4/14/16

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

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 education¹;
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;

¹If, 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

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).

Cross Reference(s):

JGDA/JGEA - Discipline of Students with Disabilities

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. Consent¹ – 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.

¹“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

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. 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.

8. 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 consent¹ 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
 - (4) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

9. 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.

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

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

¹“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).

Oregon School for the Deaf

Code: **IGBB**
Adopted: 4/14/16

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

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 such as Smarter Balanced Assessment Consortium.

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

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](#)

[OAR 581-022-1941](#)

Cross Reference(s):

IGBBB - Identification – Talented and Gifted Students among Nontypical Populations
IGBBC - Programs and Services – Talented and Gifted
IGBBD - Parent Notification and Participation

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, 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;
5. 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;
6. 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.

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

Legal Reference(s):

[ORS 343.395](#)

[ORS 343.407](#)

[ORS 343.411](#)

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

[OAR 581-022-1940](#)

Cross Reference(s):

IGBBA - Identification – Talented and Gifted

IGBBC - Programs and Services – Talented and Gifted

IGBBD - Parent Notification and Participation

Oregon School for the Deaf

Code: **IGBBC**
Adopted: 4/14/16

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

Legal Reference(s):

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

Cross Reference(s):

IGBBA - Identification – Talented and Gifted
IGBBB - Identification – Talented and Gifted Students among Nontypical Populations
IGBBD - Parent Notification and Participation

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: 4/14/16

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

Legal Reference(s):

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

Cross Reference(s):

IGBBA - Identification – Talented and Gifted

IGBBB - Identification – Talented and Gifted Students among Nontypical Populations

IGBBC - Programs and Services – Talented and Gifted

Oregon School for the Deaf

Code: **IGBHD**
Adopted: 4/14/16

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

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](#)

Cross Reference(s):

IGACA - Recognition of Religious Beliefs and Customs

IGAI - Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education

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

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: 4/14/16

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

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).

Cross Reference(s):

IB - Freedom of Expression

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
Readopted: 4/14/16

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

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.

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

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.¹
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.

¹As 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.

<p style="text-align: center;">Oregon School for the Deaf</p>
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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: _____

* 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 No. 107-004-110 as the foundation for technology-related policies and procedures.

- 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 _____

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

Legal Reference(s):

[ORS 332.107](#)
[ORS 336.183](#)

[ORS 339.155](#)

[OAR 581-022-1020](#)

Cross Reference(s):

KK - Visitors to School Facilities

Oregon School for the Deaf

Code: **IICC**
Adopted: 4/14/16

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 employees¹ may be permitted to volunteer to perform services for the school provided the volunteer activities do not involve the same or similar type of services² 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.³

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

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).

Cross Reference(s):

GCDA/GDDA - Criminal History Checks/Fingerprinting

¹There 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.

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

³Schools 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

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 administrators 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

Legal Reference(s):

[OAR 581-022-1130](#)

[OAR 581-022-1670](#)

**Oregon School
for the Deaf**

Code: **IKE-AR**
Revised/Reviewed: 2/10/10; 4/14/16

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

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.

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
Total credits required to graduate:	24
Essential Skills required:	
	Read and comprehend a variety of text, write clearly and accurately, apply math, any additional Essential Skills adopted by the State Board of Education.
Other graduation requirements:	
	Develop an education plan and build an education profile
	Demonstrate extended application through a collection of evidence
	Participate in career-related learning experiences

The 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:

Subject	Modified Diploma Requirements
English	3
Math	2
Science	2
Social Studies	2
Health	1
PE	1
Career Technical Ed, The Arts or World Language	1
Electives	12
Total credits required for modified diploma:	24
Essential Skills required:	Read and comprehend a variety of text, write clearly and accurately, apply math.
	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.
Other graduation requirements:	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 Smarter Balanced Assessment Consortium (SBAC) 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.

Oregon School for the Deaf

Code: **JB**
Adopted: 4/14/16

Equal Educational Opportunity

Every student of the school will be given equal educational opportunities regardless of age, sex, sexual orientation¹, 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

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.

Cross Reference(s):

AC - Nondiscrimination

ACA - Americans with Disabilities Act

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

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

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 2, 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

Revised/Readopted: 4/14/16

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

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](#)

Communication with Parents

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)

[ORS 109.056](#)

[ORS 163.245 to -163.257](#)

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

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

Cross Reference(s):

GBH/JECAC - Communication with Parents

Oregon School for the Deaf

Code: **JEDB**
Adopted: 7/01/00
Revised/Readopted: 4/14/16

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

Legal Reference(s):

[ORS 332.107](#)

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.

Responsibility	Action
Dorm Counselor	<ol style="list-style-type: none">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.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.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">a. A parent having permission to take the student off campus.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.4. It is extremely important that you be cautious concerning the use of the Sign Out/Sign In procedure.

Oregon School for the Deaf

Code: **JF/JFA**

Adopted: 4/14/16

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

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).

Cross Reference(s):

JFC - Student Conduct

Oregon School for the Deaf

Code: **JFC**
Adopted: 4/14/16

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

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).

Cross Reference(s):

ECAB - Vandalism/Malicious Mischief/Theft
JF/JFA - Student Rights and Responsibilities
JG - Student Discipline

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.¹

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 Director 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

¹The 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 orientation¹, 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.

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

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

Legal Reference(s):

ORS 163.190	ORS 332.107	OAR 581-021-0045
ORS 166.065	ORS 339.240	OAR 581-021-0046
ORS 166.155 to-166.165	ORS 339.250	OAR 581-021-0055
ORS 174.100(6)	ORS 339.254	OAR 581-022-1140
ORS 332.072	ORS 339.351 to-339.366	

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

Cross Reference(s):

JFCM - Threats of Violence

**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.

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 school 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 school grounds, disciplinary action may include removal from any or all extracurricular activities and/or denial or forfeiture of any school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). If possession, use, distribution or sale occurred on school 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 school grounds, including parking lots, at school-sponsored activities and in school vehicles.

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 153.018](#)
[ORS 161.605](#)
[ORS 161.625](#)
[ORS 163.575](#)
[ORS 167.400](#)
[ORS 332.107](#)
[ORS 336.067](#)
[ORS 336.222](#)
[ORS 336.227](#)

[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.883](#)
[ORS 431.840](#)
[ORS 431.845](#)
[ORS 433.835 to -433.990](#)
[ORS Chapter 475](#)

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

[OAR 581-021-0110](#)
[OAR 581-022-0413](#)
[OAR 581-053-0230\(9\)\(s\)](#)
[OAR 581-053-0330\(1\)\(m\)-\(o\)](#)
[OAR 581-053-0430\(12\)-\(14\)](#)
[OAR 581-053-0531\(11\)-\(13\)](#)
[OAR 581-053-0630](#)
[OAR 584-020-0040](#)

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).
Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2006).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

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

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

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

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

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

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

Violation of this policy by nonstudents may result in the individuals removal from school property. The school reserves the right to restrict access to school property by individuals who are repeat offenders.

END OF POLICY

Legal Reference(s):

[ORS 167.400](#)

[ORS 332.107](#)

[ORS 336.222](#)

[ORS 336.227](#)

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 339.883](#)

[ORS 431.840](#)

[ORS 433.835 to- 433.990](#)

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

[OAR 581-021-0110](#)

[OAR 581-022-0413](#)

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

[OAR 581-053-0330\(1\)\(m\)](#)

[OAR 581-053-0430\(12\)](#)

[OAR 581-053-0531\(11\)](#)

[OAR 581-053-0630](#)

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

Cross Reference(s):

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

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

Weapons in the Schools**

Students shall not bring, possess, conceal or use a weapon on or at school property, activities under the jurisdiction of the school or interscholastic activities administered by a voluntary organization.

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

1. A “dangerous weapon” means any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. A “deadly weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. A “firearm” means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any destructive device;
4. A “destructive device” means any explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

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

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

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

In accordance with Oregon law, any employee who has reasonable cause to believe a student or other person has, within the previous 120 days, unlawfully been in possession of a firearm or destructive device as defined by this policy, shall immediately report such violation to an administrator, his/her designee or law enforcement. Employees who report directly to law enforcement shall also immediately inform an administrator.

Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device. Parents will be notified of all conduct by their student that violates this policy.

Employees shall promptly report all other conduct prohibited by this policy to an administrator.

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

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

Weapons under the control of law enforcement personnel are permitted. The Director may authorize other persons to possess weapons for courses, programs and activities approved by the school and conducted on school property.

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)
[ORS 166.210 to -166.370](#)
[ORS 166.382](#)
[ORS 332.107](#)
[ORS 339.115](#)
[ORS 339.240](#)
[ORS 339.250](#)

[ORS 339.315](#)
[ORS 339.327](#)
[ORS 809.135](#)
[ORS 809.260](#)

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

[OAR 581-053-0010\(5\)](#)
[OAR 581-053-0230\(9\)\(k\)](#)
[OAR 581-053-0330\(1\)\(r\)](#)
[OAR 581-053-0430\(17\)](#)
[OAR 581-053-0531\(16\)](#)
[OAR 581-053-0630](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).
Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

Cross Reference(s):

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

Threats of Violence**

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

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

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

The principal shall, in determining appropriate disciplinary action, consider:

1. Immediately removing from the classroom setting, any student who has threatened to injure another person or to severely damage school property;
2. Placing the student in a setting where the behavior will receive immediate attention from an administrator, counselor, licensed mental health professional or others;
3. Requiring the student to be evaluated by a licensed mental health professional before allowing the student to return to the classroom setting.

The administrator shall ensure notification is provided to:

1. The parent of any student in violation of this policy and the disciplinary action imposed;
2. The parent of a student when the student's name appears on a targeted list that threatens violence or harm to the students on the list, or when threats of violence or harm to the student are made by another student;
3. Any school employee whose name appears on a targeted list threatening violence or harm to the school employee and when threats of violence or harm are made by a student or others.

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

The administrator will provide necessary information regarding threats of violence to law enforcement, child protective services and health care professionals in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. Additionally, he/she may provide such information to other school officials, including teachers, within the school or other schools who have a legitimate educational interest in the student(s) consistent with state and federal education records laws and school policies.

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

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)
[ORS 166.210 - 166.370](#)
[ORS 332.107](#)
[ORS 339.115](#)
[ORS 339.240](#)
[ORS 339.250](#)

[ORS 339.327](#)
[ORS 809.060](#)
[ORS 809.260](#)
[OAR 581-021-0050 to -0075](#)
[OAR 581-053-0010\(5\)](#)

[OAR 581-053-0230\(9\)\(k\)](#)
[OAR 581-053-0330\(1\)\(r\)](#)
[OAR 581-053-0430\(17\)](#)
[OAR 581-053-0531\(16\)](#)
[OAR 581-053-0630](#)

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

Cross Reference(s):

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

Student Searches**

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

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

1. The school official shall have individualized, "reasonable suspicion" based upon specific and articulated facts to believe that the student personally poses or is in possession of some item that poses an immediate risk or serious harm to the student, school officials and/or others at the school;
2. The search shall be "reasonable in scope." That is, the measures used are reasonably related to the objectives of the search, the unique features of the official's responsibilities, and the area(s) which could contain the item(s) sought and not excessively intrusive in light of the age, sex, maturity of the student and nature of the infraction.

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

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

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

Students may be searched by law enforcement officials on school property or when the student is under the jurisdiction of the school. Law enforcement searches ordinarily shall be based upon a warrant.

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

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

New Jersey v. T.L.O., 469 U.S. 325 (1985).

State ex. rel. Juv. Dept. v. M.A.D., 233 P3d. 437, 348 Or. 381 (2010).

State v. B.A.H., 263 P3d. 1046, 245 Or. App. 203 (2011).

State v. A.J.C., 326 P3d. 1195, 355 Or. 552 (2014).

Cross Reference(s):

KN - Relations with Law Enforcement Agencies

Student Searches**

1. Definitions

- a. “Reasonable suspicion” is based upon specific and articulated facts to believe that the student personally poses, or is in possession of some item that poses a risk of immediate and serious harm to the student, school officials and/or others at the school. The official’s knowledge may be based upon relevant past experience of the official, observation by the official and/or credible information from another person.
 - (1) “Past experience” may provide the school official with information relevant to the violation as well as information which enables the official to evaluate the credibility of information from another person.
 - (2) “Credible information from another person” may include information which the school official reasonably believes to be true provided by another school employee, a student, a law enforcement or other government official or some other person.
- b. “Reasonable in scope” means that the manner and extent of the search are reasonably related to the objectives of the search, the unique features of the official’s responsibilities, and limited to the particular student or students most likely to be involved in the infraction and the area(s) which could contain the item(s) sought, and not excessively intrusive in light of the student’s age, sex, maturity and the nature of the infraction.

2. Routine Inspection of School Property Assigned to Students

- a. Lockers, desks and other storage areas provided by the school and assigned to a particular student(s) are the property of the school, remain in the possession of the school and are under the control of the principal. Students have no expectation of privacy regarding these items/areas.
- b. Students may use school-owned storage areas for the limited purpose of temporarily keeping items needed for attendance and participation in school instructional and activity programs only. No other purpose is permitted.
- c. Students shall be provided notification that school-owned storage areas assigned to students are subject to routine inspection without prior notice for the following reasons:
 - (1) Ensure that no item which is prohibited on school premises is present;
 - (2) Ensure maintenance of proper sanitation;
 - (3) Ensure mechanical condition and safety;
 - (4) Reclaim overdue library books, texts or other instructional materials, property or equipment belonging to the school.

3. Voluntary Consent

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

4. Search Procedures

- a. With the requisite justification, a school official may search an individual student, a school-owned storage area assigned to a student or the personal property of a student. Personal property of a student includes, but is not limited to, wallets, purses, lunch boxes/sacks, book bag, backpack or other containers used to carry belongings.
- b. All searches of a student or a student's personal property shall be based on the required reasonable suspicion/risk of immediate and serious harm and shall be reasonable in scope. A "strip search," requiring a student to remove clothing down to the student's underwear or including underwear is prohibited by the school.
- c. Searches will generally be conducted by an administrator or by other school personnel only as authorized by the Director. In certain circumstances an administrator may be assisted by a law enforcement official(s).
- d. The student will generally be permitted to be present during a search of a school-owned storage area assigned to the student or during a search of the student's personal property. The student's presence is not required, however.
- e. Search of a student's clothing will be limited to the student's "outer clothing" only. "Outer clothing" means the student's coat, jacket or other such outerwear garments worn by a student. A search of the clothing may include the search of a container inside the clothing, provided that the container is of a size and shape to hold the object of the search.
- f. Searches of a student's outer clothing will be conducted by a school official of the same sex as the student.
- g. Where the object of the search may be felt by a "pat down" of clothing or personal property, the school official may first pat the clothing or property in an attempt to locate the object before searching inside the clothing or property.
- h. Searches will be conducted in privacy, out of the view of other students, staff and others and in the presence of an adult witness of the same sex as the student.
- i. Any item removed from the student as a result of the above procedures which is not evidence of a violation of a law, school policy, administrative regulation or school rule may be returned to the student, as appropriate.

5. Other Searches¹

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

If a student or parent(s) refuses to allow access to a vehicle when requested under the circumstances described above, the student's privilege of bringing a vehicle onto school property will be terminated for the remainder of the school year. Law enforcement officials may be notified.

- b. Metal detectors, including walk-through and hand-held devices, may be used when the Director determines that there is a need for such detectors based upon reasonable information of a history of:
 - (1) Weapons or dangerous objects found at school, on school property, at a school function or in the vicinity of the school; or
 - (2) Incidents of violence involving weapons at a school, on school property, at a school function or in the vicinity of the school.

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

- c. Drug-detection dogs may be used when the Director determines that there is a need for use of such dogs based upon reasonable information of a history of:
 - (1) Drugs and/or drug paraphernalia use/possession at school, on school property, at a school function or in the vicinity of the school; or
 - (2) Incidents of violence or health emergencies involving drugs and/or drug paraphernalia at a school, on school property, at a school function or in the vicinity of the school.

After such need has been determined, drug-detection dogs may be used to sniff out contraband in school-owned storage areas or in student vehicles parked on school property upon reasonable suspicion to believe that contraband is in the area or vehicle.

Drug-detection dogs will not be used for general or "dragnet" searches.

- d. Body fluid searches of students for the presence of alcohol or drugs are prohibited by the school unless specifically authorized by the Director as part of its athlete drug-testing program.
- e. The school may deploy breathalyzer devices at extracurricular events and activities. Students may be subject to testing procedures as a prerequisite to attending the event/activity. If a

¹Consult with legal counsel prior to implementing procedures in this section, modifying as appropriate to meet local needs.

student refuses testing, he/she will be detained and parents may be contacted to come and take the student home.

6. Discipline

- a. Possession or use of unauthorized, illegal, unhealthy or unsafe materials will result in the following:
 - (1) Seizure of the material:
 - (a) Property, the possession of which is a violation of law, school policy, administrative regulation or school rule will be returned to the parent or, if also a violation of law, turned over to law enforcement officials or destroyed by the school as deemed appropriate by the principal;
 - (b) Stolen property will be returned to its rightful owner;
 - (c) Unclaimed property may be disposed of in accordance with school policy DN - Disposal of School Property.
 - (2) Discipline up to and including expulsion and notification given to law enforcement officials as appropriate or as otherwise required by law or school policy.

7. Documentation

- a. Administrators shall document all searches.
- b. Documentation shall consist of the following:
 - (1) Name, age and sex of student;
 - (2) Date, time and location of search;
 - (3) Justification for search and nature of the reasonable suspicion/risk of immediate and serious harm;
 - (4) Description of the object(s) of the search;
 - (5) Type/Scope of search (areas/items searched);
 - (6) Results of search, prohibited material(s) found, disposition of the material(s) seized and discipline imposed;
 - (7) Name of the witness to the search;
 - (8) Name of the school official conducting the search;
 - (9) Contacts with law enforcement and name/position of the contact(s).
- c. Documentation will be maintained as a part of the student's education records and retained in accordance with applicable Oregon Administrative Rules governing records' retention.

8. Notice

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

9. Cooperation with Law Enforcement Officials

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

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

STUDENT SEARCH FORM

1. Name, age and sex of student: _____

2. Date, time and location of search: _____

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

4. Describe areas and items searched: _____

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

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

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

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

Signature of Witness

Date

Signature of School Official
Conducting Search

Date

Student Discipline**

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

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

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

The Oregon School for the Deaf (OSD) seeks to ensure a school climate which is appropriate for learning and which assures the safety and welfare of personnel and students. The Director will develop regulations whereby those students who disrupt the educational setting or who endanger the safety of others, will be offered corrective counseling and be subject to disciplinary sanctions that are age appropriate, and to the extent practicable, that uses approaches that are shown through research to be effective.

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

A student whose conduct or condition is seriously detrimental to the school's best interests may be suspended. Students may be expelled for any of the following circumstances: a) when a student's conduct poses a threat to the health or safety of students or employees; b) when other strategies to change the student's behavior have been ineffective; or c) when required by law. The school will ensure careful consideration of the rights and needs of the individual concerned, as well as the best interests of other students and the school program as a whole.

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

END OF POLICY

Legal Reference(s):

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

[ORS 332.107](#)
[ORS 339.115](#)
[ORS 339.240](#) to -339.280

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

Cross Reference(s):

JFC - Student Conduct
JGD - Suspension
JGE - Expulsion

Corporal Punishment**

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)

[ORS 339.240](#)

[ORS 339.250](#)

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

[OAR 584-020-0040](#)

Cross Reference(s):

JGAB - Use of Restraint and Seclusion

Use of Restraint and Seclusion

The Oregon School for the Deaf (OSD) is dedicated to the development and application of best practices within the school's public educational/behavioral programs. It is the intent of the school to establish a policy that defines the circumstances that must exist and the requirements that must be met prior to, during and after the use of physical restraint and/or seclusion as an intervention with students.

Definitions

1. "Physical restraint" means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student. "Physical restraint" does not include touching or holding a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity. The definition of "physical restraint" does not include the use of mechanical, chemical or prone restraint of a student as these methods are prohibited by Oregon law.
2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.

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

3. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
4. "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

Mechanical restraint does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
 - b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
5. "Chemical restraint" means a drug or medication that is used on a student to control behavior or restrict freedom of movement that has not been prescribed by a licensed health professional or other qualified health care professional acting under the professional's scope of practice.
 6. "Prone restraint" means a restraint in which a student is held face down on the floor.

The use of physical restraint and/or seclusion is only permitted as a part of a behavioral support plan when other less restrictive interventions would not be effective and the student's behavior poses a threat of imminent, serious physical harm to the student or others.

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

The school shall utilize the MANDT program of physical restraints and seclusion for use in the school. The use and method of any restraint with a deaf student shall be considered carefully as not to infringe on their means of communication, specifically their visual access and their use of hands for signing. As required by state regulation, the selected program shall include: behavioral support, prevention, de-escalation and crisis response techniques. Any program selected by the school must be in compliance with state and federal law with respect to the use of restraint and/or seclusion.

An annual review of the use of physical restraint and seclusion during the preceding school year shall be completed and submitted to the Superintendent of Public Instruction to ensure compliance with school policies and procedures.

The results of the annual review shall be documented and shall include at a minimum:

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

9. The demographic characteristics of all students upon whom physical restraint and/or seclusion was imposed;
10. The total number of rooms available for use by the school for seclusion of a student and a description of the dimensions and design of the rooms.

This report shall be made available to the Assistant Superintendent of Student Services for the Oregon Department of Education and to the public at the school's main office and on the school's website.

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)
[ORS 339.250](#)
[ORS 339.288](#)
[ORS 339.291](#)

[OAR 581-021-0061](#)
[OAR 581-021-0550](#)
[OAR 581-021-0553](#)
[OAR 581-021-0556](#)
[OAR 581-021-0559](#)

[OAR 581-021-0563](#)
[OAR 581-021-0566](#)
[OAR 581-021-0568](#)
[OAR 581-021-0569](#)
[OAR 581-021-0570](#)

Cross Reference(s):

JGA - Corporal Punishment
JGDA/JGEA - Discipline of Students with Disabilities

Use of Restraint and Seclusion

General Guidelines

1. Parents will be provided verbal or electronic notification by the school staff following the use of physical restraint or seclusion by the end of the day on which the incident occurred.
2. Parents will be provided written documentation of the incident within 24 hours that provides:
 - a. A description of the physical restraint and/or seclusion;
 - b. The date of the physical restraint or seclusion;
 - c. The time the physical restraint or seclusion began and ended, and the location;
 - d. A description of the student's activity that prompted the use of physical restraint or seclusion;
 - e. The efforts used to de-escalate the situation and the alternatives to physical restraint or seclusion that were attempted;
 - f. The names of personnel of the public education program who administered the physical restraint or seclusion;
 - g. A description of the training status of the personnel who administered the physical restraint or seclusion, including any information that may need to be provided to the parent or guardian; and
 - h. Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
3. If the physical restraint or seclusion was administered by a person without training the school will provide that information along with the reason why a person without training administered the physical restraint or seclusion.
4. An administrator will be notified as soon as practicable whenever physical restraint and/or seclusion has been used.
5. If physical restraint or seclusion continues for more than 30 minutes the student must be provided with adequate access to bathroom and water every 30 minutes. If physical restraint or seclusion continues for more than 30 minutes, every 15 minutes after the first 30 minutes an administrator for the public education program must provide written authorization for the continuation of the physical restraint or seclusion, including providing documentation for the reason the physical restraint or seclusion must be continued. Whenever physical restraint or seclusion extends beyond 30 minutes, personnel of the school will immediately attempt to verbally or electronically notify a parent.
6. A school Physical Restraint and/or Seclusion Incident Report must be completed and copies provided to those attending the debriefing meeting for review and comment.

7. A documented debriefing meeting must be held within two school days after the use of physical restraint or seclusion; staff members involved in the intervention must be included in the meeting. The debriefing team shall include an administrator. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.

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

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

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

1. Parent participation in the plan is required.
2. The IEP team that develops the behavioral support plan shall include knowledgeable and trained personnel, including a behavioral specialist and a school representative who is familiar with the physical restraint training practices adopted by the school.
3. Prior to the implementation of any behavioral support plan that includes physical restraint and/or seclusion a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan.
4. When a behavior support plan includes physical restraint or seclusion the parents will be provided a copy of the school Use of Restraint and Seclusion policy at the time the plan is developed.

Use of physical restraint and/or seclusion in an emergency by school administrator, staff or volunteer to maintain order or prevent a student from harming his/herself, other students or school staff.

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

Oregon School for the Deaf

Code: **JGD**
Adopted: 4/14/16

Suspension**

The Oregon School for the Deaf (OSD) authorizes student suspension for one or more of the following reasons:

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

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

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

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

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

Suspensions may be appealed to the Assistant Superintendent of Student Services for the Oregon Department of Education.

END OF POLICY

Legal Reference(s):

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

[OAR 581-021-0050](#)
[OAR 581-021-0065](#)

Cross Reference(s):

JG - Student Discipline

Discipline of Students with Disabilities**

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

1. The student is receiving individualized education program (IEP) services; or
2. The student has not yet been identified as a student with a disability but the school had knowledge that the student had a disability and needed special education.

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

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

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

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

END OF POLICY

Legal Reference(s):

ORS 326.565	ORS 343.177	OAR 581-015-2420
ORS 326.575		OAR 581-015-2425
ORS 336.187	OAR 581-015-2400	OAR 581-015-2430
ORS 339.240	OAR 581-015-2405	OAR 581-015-2435
ORS 339.250	OAR 581-015-2410	OAR 581-015-2440
ORS 339.252	OAR 581-015-2415	

Individuals with Disabilities Education Act (IDEA, 20 U.S.C. § 1415 (k)) (2006).

Assistance to States for the Education of Children with Disabilities, 34 CFR § 300.507 and § 300.508(a)-(c); §§ 300.510 - 300.514; §§ 300.530 - 300.536.

Cross Reference(s):

IGBAG - Special Education - Procedural Safeguards

JFCJ - Weapons in the Schools

JGAB - Use of Restraint and Seclusion

Discipline of Students with Disabilities**

1. Definition

- a. The school applies the following definitions when considering disciplinary action:
 - (1) “Behavioral intervention plan” means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior.
 - (2) “Current educational placement” means the type of educational placement of the student as described in the student’s “annual determination of placement” document at the time of the disciplinary removal. It does not mean the specific location or school but the types of placement on the continuum of placement options.
 - (3) “Disciplinary removal” means suspension, expulsion or other removal from school for disciplinary reasons, including removals pending completion of a risk assessment. It does not include:
 - (a) Removals by other agencies;
 - (b) Removals for public health reasons (e.g. head lice, immunizations, communicable diseases, etc.);
 - (c) In-school suspensions if the student continues to have access to the general curriculum and to special education and related services as described in the student’s individualized education program (IEP), and continues to participate with nondisabled students to the extent they would in their current placement; or
 - (d) Bus suspensions, unless the student’s IEP includes transportation as a related service, the school makes no alternative transportation arrangements for the student, and the student does not attend school as a result of the bus suspension.
- b. “Functional behavioral assessment” means an individualized assessment of the student that results in a team hypothesis about the function of a student’s behavior and, as appropriate, recommendations for a behavior intervention plan.
- c. “Suspension” means any disciplinary removal other than expulsion.

2. Disciplinary Change of Placement

- a. Disciplinary removal of a student with a disability constitutes a change in the student’s educational placement when:
 - (1) The removal is for more than 10 consecutive school days; or
 - (2) The removal is for more than 10 cumulative school days and constitutes a pattern of removals.

- b. The school may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary change in placement.

3. Manifestation Determination

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

4. Disciplinary Removals for up to 10 School Days

- a. The school may remove students with disabilities from their current educational placement, to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year to the same extent, and with the same notice, for violation of a code of conduct as for students without disabilities. These removals are not considered a change in placement.
- b. During disciplinary removals for up to 10 school days:
 - (1) The school is not required to provide access to special education and the general curriculum unless students without disabilities are provided access during this time.
 - (2) The school is not required to determine whether the student's behavior resulting in the disciplinary removal is a manifestation of the student's disability.
 - (3) The school counts days of suspension for the purposes of procedural safeguards as follows:
 - (a) Suspensions of a half day or less will be counted as a half day; and
 - (b) Suspensions of more than a half day will be counted as a whole day;
 - (c) If a student moves from another school in Oregon, any days of suspension from the former school apply, unless the school does not have knowledge of previous suspensions.

5. Disciplinary Removals of More than 10 Cumulative School Days and Pattern of Removal

- a. The school may remove students with disabilities from their current educational placement to an appropriate interim alternative educational setting, another setting or suspension for additional periods of up to 10 days in a school year to the same extent, and with the same notice as for students without disabilities, if the removals do not constitute a pattern. These removals do not constitute a change in placement.
- b. In determining whether removals of additional periods of up to 10 school days constitute a pattern of removals, school personnel will consider, on a case by case basis:
 - (1) Whether the behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and

- (2) Additional factors such as the length of each removal, the total number of days of removal, and the proximity of removals to one another.
- c. During removals of additional periods of up to 10 school days in a school year that do not constitute a pattern, the school will provide services that are necessary to enable the student to:
 - (1) Continue to participate in the general education curriculum;
 - (2) Progress toward achieving the goals in the student's IEP; and
 - (3) The services and location for delivery of services in this section will be determined by school personnel, in consultation with at least one of the student's teachers, or by the student's IEP team.
- d. The determination regarding whether a series of removal constitutes a pattern is subject to review in an expedited due process hearing.

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

- a. The school may remove a student with a disability from the student's current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year for a drug or weapon violation, or for infliction of serious bodily injury, without regard to whether the behavior is manifestation of the student's disability. This removal is considered a change in placement. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order such a removal.
- b. For the purpose of determining a drug or weapon violation or serious bodily injury, the school will apply the following definitions:
 - (1) "Drug" means illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or otherwise legally possessed. It does not include alcohol or tobacco.
 - (2) "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school function.
 - (3) "Infliction of serious bodily injury" means serious bodily injury caused by a student to another person while at school, on school premises or at a school function under the jurisdiction of ODE or a school.
 - (4) "Serious bodily injury" means bodily injury, which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
 - (5) "Weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 ½ inches in length.
 - (6) "Weapon violation" means carrying a weapon to school or to a school function or acquiring a weapon at school.

- c. On the date that the school decides to remove a student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the school notifies that parent(s) of the decision and gives the parent(s) a *Procedural Safeguards Notice*.
- d. Within 10 school days of any decision to remove the student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the school:
 - (1) Convenes a meeting to determine whether the behavior is a manifestation of the student's disability; and
 - (2) Conducts, as appropriate, a functional behavior assessment, and develops a behavior intervention plan based on the functional behavior assessment that is designed to address the behavior so it does not recur.

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

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

8. Interim Alternative Educational Setting

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

- a. Is determined by the student's IEP; and
- b. Enables the student to:
 - (1) Continue to participate in the general curriculum, although in another setting;
 - (2) Progress toward achieving the goals in the student's IEP; and
 - (3) Receive services and modifications designed to address the misconduct that led to placement in the interim alternative educational setting and to prevent the misconduct from recurring.

9. Placement Pending Appeal

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

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

- a. Within 10 school days of any decision to change the placement of a student with a disability for disciplinary reasons, the school convenes a manifestation determination meeting.
- b. The team that determines whether a student's behavior that led to a disciplinary removal from school was caused by, or had a substantial relationship to the student's disability or was a direct result of the school's failure to implement the student's IEP, includes the parent(s), school representatives and other relevant members of the IEP team, as determined by the parent and school.
 - (1) The team reviews all relevant student information, including the student's IEP, teacher observations and information provided by the parent.
 - (2) The team concludes that the conduct in question is a manifestation of the student's disability if it determines the behavior was caused by, or had a substantial relationship to, the child's disability, or if it was the direct result of the school's failure to implement the IEP.
- c. If the team determines that the school did not implement the student's IEP or identifies other deficiencies in the student's IEP or placement, the school corrects the identified deficiencies immediately.
- d. Regardless of whether the behavior was a manifestation of the student's disability, the school may remove the student to an interim alternative educational setting for weapons or drug violations or for infliction of serious bodily injury for up to 45 days.
- e. When behavior is a manifestation of disability.

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

- (1) The school will not proceed with a disciplinary removal for more than 10 days.
- (2) The school conducts a functional behavioral assessment and develops a behavior plan to address the behavior that led to the disciplinary action. If the school has already conducted a functional behavioral assessment or if the student already has a behavior intervention plan regarding that behavior, the school reviews, modifies as necessary and implements the plan to address the behavior.
- (3) The school may review and revise the student's IEP and placement through normal IEP and placement processes.
- (4) The school may enter into an agreement with the parent to change the student's placement as part of the modification of the behavioral intervention plan.
- (5) If the school believes that maintaining the current placement of the child is substantially likely to result in injury to the student or to others, the school may appeal the decision of the manifestation determination team by requesting an expedited due process hearing. An administrative law judge who concludes that maintaining the current educational placement is substantially likely to result in injury to the student or to others may order a change in placement to an interim alternative educational setting for no more than 45 days.

- f. When behavior is not a manifestation of disability.

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

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

11. **Protections for Students not yet Eligible for Special Education**

- a. The school will follow all special education disciplinary procedures for a student who has not yet been identified as a student with a disability if the school had knowledge that the student had a disability and needed special education.
- b. The school is presumed to have such knowledge if, before the behavior that precipitated the disciplinary action occurred:
 - (1) The student's parent(s) expressed a concern in writing to supervisory or administrative school personnel, or to a teacher of the student, that the student is in need of special education and related services;
 - (2) The student's parent(s) requested a special education evaluation of the student; or
 - (3) The student's teacher or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school's special education director or other school supervisory personnel.
- c. The school is not presumed to have knowledge of a disability if:
 - (1) The parent has not allowed an evaluation of the student or has refused the initial provision of special education services to the student; or
 - (2) The student has been evaluated and found not eligible for special education services.
- d. If the school did not have knowledge before taking disciplinary action against the student, the school may take the same disciplinary actions as applied to students without disabilities who engaged in comparable behaviors. However:
 - (1) If a special education evaluation is requested, or if the school initiates a special education evaluation, the evaluation will be conducted in an expedited manner.
 - (2) Until the evaluation is completed, the student may remain in the educational placement determined by school personnel, which may include suspension, expulsion or placement in alternative education.

- (3) Upon completion of the evaluation, if the student is determined to be a student with a disability, the school will conduct an IEP meeting to develop an IEP and determine placement and will provide special education and related services in accordance with the IEP.
- (4) The school will apply the IDEA discipline protections beginning on the date of the eligibility determination.

Expulsion**

An administrator, after reviewing available information, may recommend to the Director that a student be expelled. Expulsion of a student shall not extend beyond one calendar year.

No student may be expelled without a hearing unless the student's parents, or the student if 18 years of age, waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parent agree to abide by the findings of a hearings officer.

When an expulsion hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent by personal service¹ or by certified mail at least five days prior to the scheduled hearing. Notice shall include:
 - a. The specific charge or charges;
 - b. The conduct constituting the alleged violation, including the nature of the evidence of the violation and reason for expulsion;
 - c. A recommendation for expulsion;
 - d. The student's right to a hearing;
 - e. When and where the hearing will take place; and
 - f. The right to representation.
2. The Director or designee will act as the hearings officer. The school may contract with an individual who is not employed by the school to serve as the hearings officer. The hearings officer will conduct the hearing and will not be associated with the initial actions of the building administrators;
3. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the school will provide a translator;
4. The hearings officer or the student may make a record of the hearing;
5. The student shall be permitted to have representation present at the hearing to advise and to present arguments. The representation may be an attorney and/or parent. The school's attorney may be present;
6. The student shall be afforded the right to present his/her version of the events underlying the expulsion recommendation and to introduce evidence by testimony, writings or other exhibits;

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

7. The student shall be permitted to be present and to hear the evidence presented by the school;
8. The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student education records. The hearings officer's decision is final. However, a decision of the hearings officer may be appealed by the parent or the student if age 18 or over to the Assistant Superintendent of Student Services for the Oregon Department of Education (ODE) for review. The hearings officer will provide to the Assistant Superintendent, findings of fact as to whether the student has committed the alleged conduct and the recommended decision. This will include the hearings officer's decision on disciplinary action, if any, including the duration of any expulsion. This material will be available in identical form to the Assistant Superintendent for ODE, the student if age 18 or over and the students' parents at the same time. Following the review by the Assistant Superintendent of the hearings officer's recommendation, the Assistant Superintendent will make the final decision regarding expulsion;
9. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer's control of the hearing;
10. The hearings officer's decision is final. However, this decision may be appealed by the parent or the student if age 18 or over to the Assistant Superintendent of Student Services for ODE for review;
11. Any expulsion hearing will be conducted in private. The ODE review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing.

Prior to expulsion, the OSD must notify the resident district of the recommendation to expel. The resident district is responsible to propose alternative programs of instruction, (other than OSD) or instruction combined with counseling to a student subject to expulsion for reasons other than a weapons policy violation. The resident district must document to the parent of the student that proposals of alternative education programs have been made.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.061](#)
[ORS 336.615 to -336.665](#)
[ORS 339.115](#)

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

[OAR 581-021-0050](#)
[OAR 581-021-0070](#)
[OAR 581-021-0071](#)

Cross Reference(s):

JG - Student Discipline

Oregon School for the Deaf

Code: **JGEA**
Adopted: 4/14/16

Alternative Education Programs Following Expulsion**

The Oregon School for the Deaf (OSD) is an alternative education placement program. Therefore, if the student is expelled from OSD, the resident district is responsible for meeting the alternative education program legal requirement.

Prior to a student leaving school or a student's expulsion, unless the expulsion is for a weapons policy violation, the resident district will propose in writing to the student or student's parent appropriate, accessible educational alternatives as determined by the resident district. Such alternative education program(s) will consist of instruction or instruction combined with counseling.

The proposal of potential alternative education programs will be hand-delivered or sent by certified mail by the resident district to assure that the parent receives it prior to the time of an actual expulsion or leaving school.

Appropriate accessible alternative education programs may be either public or private (nonsectarian). Programs may be provided by the school as a separate school, evening classes or tutorial instruction. Homebound instruction could be considered an appropriate alternative.

The resident district shall pay the actual cost of the district-proposed alternative education program or an amount equal to 80 percent of the district's estimated current year's average per student net operating expenditure, whichever is less. The district shall provide or pay for transportation.

If a parent receives an exemption on a semi-annual basis to withdraw a student age 16 or 17, the district has no obligation to pay for an alternative education program.

If a student is not successful in the alternative education program selected or the alternative education programs offered are not accepted by the student and/or parent, there is no obligation to propose or fund other alternatives.

END OF POLICY

Legal Reference(s):

[ORS 336.615 to -336.665](#)
[ORS 339.240](#)
[ORS 339.250](#)

[OAR 581-021-0070](#)
[OAR 581-021-0071](#)
[OAR 581-022-1350](#)

[OAR 581-022-1620](#)
[OAR 581-023-0006](#)
[OAR 581-023-0008](#)

Student Health Services and Requirements

Although the school's primary responsibility is to educate students, the students' health and general welfare is also a major school concern. The school believes school programs should be conducted in a manner that protects and enhances student and employee health and is consistent with good health practices.

The nurse(s) shall be licensed to practice as a registered nurse or nurse practitioner in Oregon and will function as an integral member of the instructional staff, serving as a resource person to teachers in securing appropriate information and materials on health-related topics.

The school shall provide:

1. One registered nurse or school nurse for every 125 medically fragile students;
2. One registered nurse or school nurse or one licensed practical nurse under the supervision of a registered nurse or school nurse for each nursing-dependent student; and
3. One registered nurse or school nurse for every 225 medically complex students.

The school may use the most cost effective means available to meet the above requirements.

The school shall maintain a prevention-oriented health services program which provides:

1. Pertinent health information on the students, as required by Oregon statutes or rules;
2. Health appraisal to include screening for possible vision or hearing problems;
3. Health counseling for students and parents, when appropriate;
4. Health care and first-aid assistance that are appropriately supervised and isolates the sick or injured child from the student body;
5. Control and prevention of communicable diseases as required by Oregon Department of Human Services, Health Services, and the county health department;
6. Assistance for students in taking prescription and/or nonprescription medication according to established school procedures;
7. Services for students who are medically fragile or have special health care needs;

8. Integration of school health services with school health education programs.

The Oregon Department of Education (ODE) directs its school health staff to coordinate with health personnel from other public agencies in matters pertaining to health instruction or the general health of students and employees.

In accordance with the requirements of the No Child Left Behind Act of 2001, the school recognizes its responsibility to notify parents in advance of any nonemergency, invasive physical examination¹ or screening that is required as condition of attendance; administered and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students.

Notification will be provided at least annually at the beginning of the school year or when enrolling students for the first time in school and will include the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

Procedures shall be developed and implemented to carry out this policy. All school employees will be apprised of their responsibilities in this area. Parents shall have the opportunity to request their students be exempt from participation in vision or hearing screening. The school will abide by those requests.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)

[ORS 336.201](#)

[OAR 581-022-0705](#)

[OAR 581-022-1420](#)

[OAR 581-022-1440](#)

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).

¹The term “invasive physical examination,” as defined by law, means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening. The term does not include any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification.

Oregon School for the Deaf

Code: **JHCC**
Adopted: 4/14/16

Communicable Diseases

The school shall provide reasonable protection for students against the risk of exposure to communicable disease. The school will follow the Oregon Department of Education and the state and local health authorities' rules and regulations pertaining to communicable diseases.

Protection from communicable disease generally shall be through immunization, exclusion or other measures provided for in Oregon Revised Statutes and rules of the county health department. Services generally will not be provided to students excluded under this policy unless otherwise required by law.

Where the school knows that a student is infected by any communicable disease for which the student would not be excluded under this policy, the school involved shall take whatever reasonable steps it considers necessary to organize and operate its programs in a way which both furthers the education and protects the health of the students.

The school may, for the protection of both the infected student and the exposed student, provide an educational program in an alternative setting. A student shall continue in the alternative setting, if provided, until such time that:

1. The school determines that the student presents no unreasonable risk of infection to the other students and bears no unreasonable risk of opportunistic infections; or
2. The student is ordered to be returned to the classroom by a court or other authority of competent jurisdiction.

The school shall protect the confidentiality of each student's health condition/record to the extent possible consistent with the overall intent of this policy.

END OF POLICY

Legal Reference(s):

[ORS 431.035 to -431.530](#)
[ORS 433.255](#)
[ORS 433.260](#)

[OAR 333-019-0010\(5\)](#)
[OAR 437-002-0360](#)

[OAR 581-022-0705](#)

Cross Reference(s):

EBC/EBCA - Emergency Procedures and Disaster Plans

Communicable Diseases

In accordance with state law, rule and health authority communicable disease guidelines, the procedures as established below will be followed:

School Restrictable/School Reportable Diseases

1. Restrictable diseases are communicable diseases which occur in a setting where predictable and/or serious consequences may occur to the public. School restrictable diseases are defined as a disease which can be readily transmitted in a school setting and to which students and/or employees in a school may be particularly susceptible;
2. A school employee who is diagnosed to have a school restrictable disease shall not engage in any occupation which involves contact with students as long as the disease is in a communicable stage;
3. A student who is diagnosed to have a school restrictable disease shall not attend school as long as the disease is in a communicable stage. These restrictions are removed by the written statement of the local health officer or designee or a licensed physician (with the concurrence of the local health officer) that the disease is no longer communicable to others in the school setting. For those diseases indicated by an asterisk (*) the restriction may be removed by a school nurse. For pediculosis, or head lice (indicated by a double asterisk (**)), the restriction may be removed after the parent provides a signed statement that a recognized treatment has been initiated. School restrictable diseases include, but are not limited to:
 - a. Chicken pox*;
 - b. Cholera;
 - c. Diphtheria;
 - d. Measles;
 - e. Meningococcal disease;
 - f. Mumps*;
 - g. Pediculosis** (head lice);
 - h. Pertussis (whooping cough);
 - i. Plague;
 - j. Rubella (German measles);
 - k. Scabies*;
 - l. Staphylococcal skin infections*;
 - m. Streptococcal infections*;
 - n. Tuberculosis;
 - o. Pandemic flu.

The school administrator may, when he/she has reasonable cause to believe the student has a school restrictable disease, exclude that student from attendance until a physician, public health nurse or school nurse certifies that the student is not infectious to others;

4. The local health officer or designee may allow students and employees with diseases in a communicable stage to continue to attend and to work in a school when measures have been taken to prevent the transmission of the disease;

5. More stringent rules for exclusion from school may be adopted by the local health department or by the school through Board-adopted policy;
6. A disease may not be considered to be a school restrictable disease unless it is listed in section 3. above, in accordance with OAR 333-019-0010 (5), it has been designated to be a school restrictable disease through Board policy or the local health administrator determines that it presents a significant public health risk in the school setting;
7. When a person is diagnosed as having diphtheria, measles, pertussis (whooping cough) or rubella (German measles), the local health officer may exclude from any school in his/her jurisdiction any student or employee who is susceptible to that disease.
8. The school's emergency preparedness plan shall address the schools plan with respect to a declared public health emergency at the local or state level.

Notification

1. Any staff member who has reason to suspect that a student is infected with a reportable, but not school restrictable disease shall so inform the school administrator. All employees shall comply with all reporting measures adopted by the school and with all rules set forth by Oregon Department of Human Services, Health Services, and county health department.
2. Employees have a responsibility to report to the school when infected with a school restrictable communicable disease unless stated otherwise by law.
3. In the event a school administrator is informed that a staff member or student may have a reportable disease, he/she will seek confirmation and assistance from the local health department to determine the appropriate school response. Reportable diseases include, but are not limited to:
 - a. Acquired immunodeficiency syndrome (AIDS);
 - b. Amebiasis;
 - c. Anthrax;
 - d. Botulism;
 - e. Brucellosis;
 - f. Campylobacteriosis;
 - g. Chancroid;
 - h. Chlamydia trachomatis infection of the genital tract;
 - i. Cholera;
 - j. Cryptosporidiosis;
 - k. Diphtheria;
 - l. Escherichia coli 0157-caused illness;
 - m. Food-borne illness;
 - n. Giardiasis;
 - o. Gonococcal infections;
 - p. Haemophilus influenzae-caused invasive disease;
 - q. Hemolytic uremic syndrome;
 - r. Hepatitis (A; B; non-A, non-B and delta);

- s. HIV infection*;
- t. Leprosy;
- u. Leptospirosis;
- v. Listeriosis;
- w. Lyme disease;
- x. Lymphogranuloma venereum;
- y. Malaria;
- z. Measles (Rubeola);
- aa. Meningococcal disease;
- bb. Pelvic inflammatory disease, acute, nongonococcal;
- cc. Pertussis;
- dd. Plague;
- ee. Poliomyelitis;
- ff. Psittacosis;
- gg. Q fever;
- hh. Rabies (human and animal cases);
- ii. Rocky Mountain spotted fever;
- jj. Rubella (including congenital rubella syndrome);
- kk. Salmonellosis (including typhoid fever);
- ll. Shigellosis;
- mm. Syphilis;
- nn. Tetanus;
- oo. Trichinosis;
- pp. Tuberculosis;
- qq. Tularemia;
- rr. Yersiniosis.

*Does not apply to anonymous HIV testing.

4. With consultation and direction from the school's school nurse or appropriate health authorities, the school administrator or designee shall determine which other persons may be informed of the infectious nature of the individual student or employee within guidelines provided in statute.

Education

1. The school administrator or designee shall seek information from the school's school nurse or other appropriate health officials regarding the health needs/hazards of all students and the educational needs of the infected student.
2. The school administrator or designee shall, utilizing information obtained in section 1. above, determine an educational program for the infected student and implement same in an appropriate (regular or alternative) setting.
3. The school administrator or designee shall, from time-to-time, review the appropriateness of the educational program and the setting of each individual student.

Equipment and Training

1. The school administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The school administrator or designee shall consult with the school's school nurse or other appropriate health officials as to whether it is necessary to provide special training in the methods of protection from such communicable disease.

All school personnel will be instructed annually by the school health nurse to use the proper precautions pertaining to blood and body fluid exposure.

Oregon School for the Deaf

Code: **JHCCA**
Adopted: 4/14/16

Students - HIV, HBV and AIDS**

The school will adhere strictly in policies and procedures to the Oregon Revised Statutes and the Oregon Administrative Rules as they relate to a student infected with HIV or HBV or diagnosed with AIDS¹.

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

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

Notification of alternative education programs shall be made to the parent or eligible student, if an HIV, HBV or AIDS student withdraws from school.

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)
[ORS 339.030](#)

[ORS 339.250](#)
[ORS 433.008](#)
[ORS 433.045](#)

[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 581-022-0705](#)
[OAR 581-022-1660](#)

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

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

Infection Control - HIV, AIDS, HBV

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-0705](#)
[OAR 581-022-1440](#)
[OAR 581-053-0240\(23\)\(c\)](#)
[OAR 581-053-0250\(1\)](#)

Cross Reference(s):

EBBA - First Aid
EBBAA/GBEBC/JHCCC - Infection Control - HIV, AIDS, HBV
GBEBC/JHCCC/EBBAA - Infection Control - HIV, AIDS, HBV

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

Nonprescription Medication**

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

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 109.640](#)
[ORS 339.866 to -339.871](#)
[ORS 433.800 to -433.830](#)

[OAR 166-400-0010\(17\)](#)
[OAR 166-400-0060\(29\)](#)

[OAR 581-021-0037](#)
[OAR 581-022-0705](#)

Cross Reference(s):

JHCDA - Prescription Medication

Prescription/Nonprescription Medication**

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

1. Definitions

- a. “Prescription medication” means any noninjectable drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken either internally or externally by a student under the written direction of a physician. Prescription medication includes any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student’s Oregon licensed health care professional for asthma or severe allergies. Prescription medication does not include dietary food supplements. As per Oregon Administrative Rule (OAR) 851-047-0030 through 851-047-0040, a registered nurse may administer a subcutaneous injectable medication.
- b. “Nonprescription medication” means only commercially prepared, nonalcohol-based medication to be taken at school that is necessary for the student to remain in school. This shall be limited to eye, nose and cough drops, cough suppressants, analgesics, decongestants, antihistamines, topical antibiotics, anti-inflammatories and antacids that do not require written or oral instructions from a physician. Nonprescription medication does not include dietary food supplements.
- c. “Physician¹” means a doctor of medicine or osteopathy, a physician assistant licensed to practice by the Board of Medical Examiners for the state of Oregon, a nurse practitioner with prescriptive authority licensed by the Oregon State Board of Nursing, a dentist licensed by the Board of Dentistry for the state of Oregon, an optometrist licensed by the Board of Optometry for the state of Oregon or a naturopathic physician licensed by the Board of Naturopathy for the state of Oregon.
- d. “Student self-medication” means a student must be able to administer medication to himself/herself without requiring a trained staff member to assist in the administration of the medication.
- e. “Age-appropriate guidelines” means the student must be able to demonstrate the ability, developmentally and behaviorally, to self-medicate with permission from parent or guardian, administrator and in the case of a prescription medication, a physician.
- f. “Training” means yearly instruction, by a qualified trainer, to be provided to designated staff on the administration of prescription and nonprescription medication, based on requirements

¹Added to Oregon Revised Statute 678.010 to -678.410: A registered nurse who is employed by a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days (House Bill 3149 (2015)). This is to allow time for new students to find an Oregon licensed physician.

set out in guidelines approved by the Oregon Department of Education (ODE), including discussion of applicable school policies, procedures and materials.

- g. “Qualified trainer” means a person who is familiar with the delivery of health services in a school setting and who is a registered nurse licensed by the Oregon State Board of Nursing, a physician, or a pharmacist licensed by the State Board of Pharmacy for the state of Oregon.
- h. “Severe allergy” means a life-threatening hypersensitivity to a specific substance such as food, pollen or dust.
- i. “Asthma” means a chronic inflammatory disorder of the airways that requires ongoing medical intervention.
- j. “Designated staff” means the staff person who is designated by the building principal to administer prescription or nonprescription medication.

2. Designated Staff/Training

- a. The principal will designate trained staff authorized to administer prescription or nonprescription medication to students while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before- or after-school care programs on school-owned property and in transit to or from school or school-sponsored activities. The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules and this regulation.
- b. The principal will ensure the training required by law and Oregon Administrative Rules is provided. Training must be conducted by a qualified trainer.
- c. Training will provide an overview of applicable provisions of Oregon law, administrative rules, school policy and administrative regulations and include, but not be limited to, the following: safe storage, handling, monitoring medication supplies, disposing of medications, record keeping and reporting of medication administration and errors in administration, emergency medical response for life-threatening side effects and allergic reactions, and student confidentiality. Materials as recommended and/or approved by the ODE will be used.
- d. Training will be provided yearly to designated staff authorized to administer medication to students.
- e. A copy of the school’s policy and administrative regulation will be provided to all staff authorized to administer medication to students and others, as appropriate.
- f. A statement that the designated staff member has received the required training will be signed by the staff member and filed in the school office.

3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

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

4. Administering Medications to Students

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

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

- (a) The written signed permission of the parent or guardian;
- (b) The written instruction from the physician, physician assistant or nurse practitioner for the administration of the prescription medication to the student including:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Method of administration;
 - (iv) Dosage;
 - (v) Frequency of administration; and
 - (vi) Other special instruction, if any.

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

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

- (a) The written signed permission of the parent or guardian;
- (b) The written instruction from the parent or guardian for the administration of the nonprescription medication to the student including:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Method of administration;
 - (iv) Dosage;
 - (v) Frequency of administration;
 - (vi) Other special instruction, if any.

- b. Medication is to be submitted in its original container;
- c. Medication is to be brought to and returned from the school by the parent;
- d. It is the parent's responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
- e. It is the parent's responsibility to ensure that the school is informed in writing of any changes in medication instructions;
- f. In the event a student refuses medication, the parent will be notified immediately. No attempt will be made to administer medication to a student who refuses school-administered medication;
- g. Any error in administration of medication will be reported to the parent immediately and documentation made on the school's Accident/Incident Report form. Errors include, but are

- not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration, method of administration, etc.;
- h. Medication shall not be administered or self-medication allowed until the necessary permission form and written instructions have been submitted as required by the school.

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

- a. Student self-medication of prescription medication by K-12 students, including students with asthma or severe allergies, will be allowed subject to the following:
 - (1) A parent or guardian signed permission form and other documentation requested by the school must be submitted for self-medication of all prescription medications;
 - (2) A prescription written by an Oregon licensed health care professional that includes a written treatment plan for managing of the student's asthma, diabetes and/or severe allergy, and for use by the student while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in before- or after-school care programs on school-owned property and in transit to or from school or school-sponsored activities, and acknowledgment the student has been instructed in the correct and responsible use of the medication;
 - (3) Principal permission for all self-medication of prescription medicine requests is required.
- b. Student self-medication of nonprescription medication by K-12 students may be allowed subject to the following:
 - (1) A parent or guardian permission form and other documentation requested by the school must be submitted for self-medication of all nonprescription medications. The signed form from the parent or guardian will ensure the student has received proper instruction for use;
 - (2) Principal permission for all self-medication of nonprescription medicine requests is required.
- c. Students who are developmentally and/or behaviorally unable to self-medicate will be provided assistance by designated school staff. A permission form and written instructions will be required as provided in Section 4.a. above;
- d. All prescription and nonprescription medication must be kept in its appropriately labeled, original container, as follows:
 - (1) Prescription labels must specify the name of the student, name of the medication, dosage, method of administration and frequency or time of administration and any other special instruction including permission for the student to self-medicate;
 - (2) Nonprescription medication must have the student's name affixed to the original container.
- e. The student may have in his/her possession only the amount of medication needed for that school day, except for manufacture's packaging that contains multiple dosage, the student may carry one package, such as but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;
- f. Sharing and/or borrowing of any medication with another student is strictly prohibited;

- g. Any medication required for use longer than 10 school days will be permitted only upon the written request of the parent;
- h. For students who have been prescribed bronchodilators or epinephrine, staff will request from the parent or guardian, that the parent or guardian provide backup medication for emergency use by that student. Backup medication, if provided by the parent or guardian, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency;
- i. Upon written parent request and with a physician's written statement that the lack of immediate access to a backup autoinjectable epinephrine may be life threatening to a student, and the location the school stores backup medication is not located in the student's classroom, a process shall be established to allow the backup autoinjectable epinephrine to be kept in a reasonably secure location in the student's classroom;
- j. Permission to self-medicate may be revoked if the student violates the school policy and/or these regulations. Additionally, students may be subject to discipline, up to and including expulsion, as appropriate.

6. Handling, Storage, Monitoring Medication Supplies

- a. Medication administered by designated staff or self administered by the student, must be delivered by the parent to the school, in its original container, accompanied by the permission form and written instructions, as required above.
- b. Medication in capsule or tablet form and categorized as a sedative, stimulant, anticonvulsant, narcotic analgesic or psychotropic medication will be counted by designated staff in the presence of another school employee upon receipt, documented in the student's medication log and routinely monitored during storage and administration. Discrepancies will be reported to the principal immediately and documented in the student's medication log. For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.
- c. Designated staff will follow the written instructions of the physician and parent and training guidelines as may be recommended by ODE for administering all forms of prescription and/or nonprescription medications.
- d. Medication will be secured as follows:
 - (1) Nonrefrigerated medications will be stored in a locked cabinet, drawer or box
 - (2) Medications requiring refrigeration will be stored in a separate refrigerator used solely for the storage of medication;
 - (3) Access to medication storage keys will be limited to the principal and designated school staff.
- e. Designated staff will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.
- f. In the event medication is running low or an inadequate dosage is on hand to administer the medication, the designated staff will notify the parent immediately.

7. Emergency Response

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

8. Disposal of Medications

- a. Medication not picked up by the parent at the end of the school year will be mailed home.

9. Documentation and Record Keeping

- a. A medication log will be maintained for each student administered medication by the school. The medication log will include, but not be limited to:
 - (1) The name, dose and route of medication administered, date, time of administration and name of the person administering the medication;
 - (2) Student refusals of medication;
 - (3) Errors in administration of medication²;
 - (4) Emergency and minor adverse reaction incidents¹;
 - (5) Discrepancies in medication supply;
 - (6) Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the staff involved.
- b. All records relating to administration of medicines, including permission slips and written instructions, will be maintained in a separate medical file apart from the student's education records file unless otherwise related to the student's educational placement and/or individualized education program. Records will be retained in accordance with applicable provisions of OAR 166-400-0010(17) and OAR 166-400-0060(29).
- c. Student medical files will be kept confidential. Access shall be limited to those designated school staff authorized to administer medication to students, the student and his/her parents. Information may be shared with staff with a legitimate educational interest in the student or others as may be authorized by the parent in writing.

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

A school administrator, school nurse, teacher or other school employee designated by the school administrator, are not liable in a criminal action or for civil damages as a result of a student's self-administration of medication, when that person in good faith assisted the student in self-administration of the medication, as per state law.

²Designated staff may note incident by symbol in medication log and attach detailed documentation as necessary.

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

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

Prescription Medication**

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

When directed by a physician or other licensed health care professional, students in grades K-12 will be allowed to self-administer prescription medication, including medication for asthma or severe allergy as defined by state law, and subject to age-appropriate guidelines.

A written treatment plan for a student who self administers medication will be developed and signed by a physician¹ or other Oregon licensed health care professional and kept on file. A written request and permission form signed by a parent or guardian is required and will be kept on file. If the student is deemed to have violated school policy or medical protocol by the school, the school may revoke the permission given to a student to self-administer medication.

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

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

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

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

¹Added to Oregon Revised Statute 678.010 to -678.410: A registered nurse who is employed by a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days (House Bill 3149 (2015)). This is to allow time for new students to find an Oregon licensed physician.

Training shall be provided to designated staff as required by law in accordance with approved protocols as established by the Oregon Health Authority. Staff designated to receive training shall also receive bloodborne pathogens training. A current first-aid and CPR card will also be required.

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

The Director will ensure student health management plans are developed as required by training protocols, maintained on file and pertinent health information is provided to school staff as appropriate.

Such plans will include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before- or after-school care programs on school-owned property and in transit to or from school or school-sponsored activities.

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

END OF POLICY

Legal Reference(s):

[ORS 109.640](#)
[ORS 339.866 to -339.871](#)
[ORS 433.800 to -433.830](#)
[ORS 475.005 to -475.285](#)

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

[OAR 581-022-0705](#)
[OAR 851-047-0030](#)
[OAR 851-047-0040](#)

Cross Reference(s):

JHCD - Nonprescription Medication

Student Vehicle Use

All students who drive vehicles to school are subject to parking and driving rules developed by the Director.

The school shall require all students parking vehicles on school property on a regular basis to show evidence that the:

1. Student driving the vehicle holds a valid driver's license;
2. Vehicle is currently registered;
3. Student driving is insured under a motor vehicle liability insurance policy or other satisfactory proof of compliance with the financial responsibility requirements of the state.

Parking privileges will be subject to the specific requirements of this policy and any other applicable policy and/or rules of the school. Parking privileges, including driving on school property, may be revoked by the principal for violations of Board policies, administrative regulations or school rules.

The school will post appropriate parking signs.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.445](#)

[ORS 806.060 - 806.080](#)

[OAR 581-021-0050](#)

Suspension of Driving Privileges

Conduct

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

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

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

Withdrawal

The Director may, under ORS 339.257, notify ODOT of the withdrawal from school of a student who is at least 15 years of age and under 18 years of age.

Upon receipt of the school's notice that a student has withdrawn from school, ODOT shall notify the student that driving privileges will be suspended on the 30th day following the date of notice unless the student presents documentation that complies with ORS 807.066. For purposes of this policy, a student shall be considered to have withdrawn from school if the student has:

1. More than 10 consecutive school days of unexcused absences; or
2. Fifteen school days total of unexcused absences during a single semester.

Appeals

The student has a right to appeal the Director's decision through school suspension/expulsion due process procedures.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.061](#)
[ORS 336.615 - 336.665](#)
[ORS 339.240](#)
[ORS 339.250](#)

[ORS 339.254](#)
[ORS 339.257](#)
[ORS 807.065](#)
[ORS 807.066](#)

[ORS 807.240](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)

**Oregon School
for the Deaf**

Code: **JHFDA-AR(1)**
Revised/Reviewed: 4/14/16

Request for a Suspended Driving Privilege - Conduct

Name of Student _____

Address of Student _____

Date of Birth _____ ODL Number (if applicable) _____

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

Type of privilege requested for suspension:

- Driving privilege
- Application for driving privilege

Length of suspension requested:

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

If two or more requests for suspension have been made on this student:

- Two years
- Other _____
- Until student is 21 years of age

Type of infraction:

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

This written request is submitted on _____ by:

Name: _____ Title: _____

School: _____ Date: _____

Oregon School for the Deaf

Code: **JHFDA-AR(2)**
Revised/Reviewed: 4/14/16

Notice of Withdrawal

Student Name (Print Last, First, Middle)			
Student Address		City	State Zip Code
Date of Birth (MM/DD/YYYY)	Oregon Driver License/ID Number (If Known)	Last Day of Attendance (MM/DD/YYYY)	
<p>I hereby notify the Department of Transportation to suspend the driving privileges of the above named student because the student is considered to have withdrawn from school per ORS 339.257 (2). The policy adopted under ORS 339.257 meets all requirements of the law including: The number of days of unexcused absence; the age of the student; and, a provision allowing the student to appeal this decision.</p>			
Name of School		Telephone Number ()	
Address		City	State Zip Code
Title: <input type="checkbox"/> Director <input type="checkbox"/> School Board Member/Director <input type="checkbox"/> Authorized Representative of School			
Name of Authorized Person (Please Print)			
Signature X		Date	

735-7186 (-00)

White copy to DMV, Yellow copy for your records

STK# 300161

Reporting of Suspected Abuse of a Child

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

Abuse of a child by school employees or by students will not be tolerated. All school employees are subject to this policy and the accompanying administrative regulation. If a school employee is a suspected abuser, reporting requirements remain the same. The school will designate the Director to receive reports of abuse of a child by school employees and specify the procedures to be followed upon receipt of an abuse report. In the event the designated person is the suspected abuser, the ODE assistant superintendent of student services shall receive the report of abuse. The school will post in each school building the name and contact information of the person designated to receive child abuse reports, as well as the procedures the Director will follow upon receipt of a report. When the Director takes action on the report, the person who initiated the report must be notified.

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

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

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

The school shall establish written procedures to provide annual training: 1) for school staff in the prevention and identification of abuse of a child and on the obligations of school employees under ORS 419B.005, as directed by school policy, to report suspected abuse of a child; 2) for parents and legal guardians of students attending the school on the prevention, identification of abuse of a child and the obligation of school employees to report suspected abuse of a child, separate from school staff training; and 3) designed to prevent abuse of a child available to students attending the school.

The Director shall implement such regulations as are necessary to accomplish the intent of this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 339.370 to-339.400](#)
[ORS 418.746 to-418.751](#)

[ORS 419B.005 to-419B.050](#)

[OAR 581-022-0711](#)

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

Cross Reference(s):

JHFF - Reporting Requirements Regarding Sexual Conduct with Students

Reporting of Suspected Abuse of a Child

Reporting

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

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

A written record of the abuse report shall be made by the employee suspecting the abuse of a child. The written record may be made using the Oregon School for the Deaf abuse reporting form which includes at a minimum:

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

The written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the employee's supervisor and/or director.

When the school receives a report of suspected abuse of a child by one of its employees, and the director determines that there is reasonable cause to support the report, the school shall place the school employee on paid administrative leave until the Department of Human Services or a law enforcement agency either: 1) determines that the report is unfounded or that the report will not be pursued; or 2) determines that the report is founded and the education provider takes the appropriate disciplinary action against the school employee. If the Department of Human Services or a law enforcement agency is unable to determine whether the abuse of a child occurred the school may either reinstate the employee or take disciplinary action at the school's discretion.

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

Definitions

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

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

Confidentiality of Records

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

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

Failure to Comply

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

Cooperation with Investigator

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

1. Any investigation of abuse of a child will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When an administrator is notified that the Department of Human Services or law enforcement would like to interview a student at school, the administrator must request that the investigating official demonstrate that he/she has a warrant, court order, exigent circumstances or parental consent to interview the student. Failure to meet one of these criteria may result in the administrator's refusal to allow the student interview on school property. If the student is to be interviewed at the school, the administrator or representative shall make a conference space available. The administrator or representative of the school may at the discretion of the investigator, be present to facilitate the interview. Law enforcement officers wishing to interview or remove a student from the premises shall present themselves at the office and contact the administrator or representative. The officer shall sign the student out on a form to be provided by the school;
2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, school employees shall not notify parents;
3. The administrator or representative shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. School employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

**Oregon School
for the Deaf**

Code: **JHFE-AR(2)**
Revised/Reviewed: 11/19/12; 4/14/16

Suspected Abuse Reporting Form

All Oregon School for the Deaf (OSD) employees are mandatory reporters. If you suspect abuse, you must make a report to Child Welfare or Law Enforcement immediately. Telling another employee or an administrator does not relieve you of this legal obligation. Make calls for suspected neglect also.

Please complete this form for your working files to document your report. Make copies and provide to your supervisor or Director. This form should be utilized whether or not the abuse involves an OSD employee. If the abuse involves a school employee, notify your supervisor or the OSD Director immediately.

Name of staff member filing report

Title

Name of witness to the report

Title

Student Name _____ Grade _____ Age _____

Parent/Guardian: _____

Address: _____

Source of Information/Disclosure _____

Date suspected abuse occurred _____

Name of Counselor/Administrator _____ Date Informed _____

Brief Summary of Incident/ Including potential abuser:

Report to Legal Authority

Date, time and method the report was filed: _____

Agency Notified (check all that apply):

First Recourse

- Department of Human Services (503) 378-6704
- State Police (503) 378-8427

Second Recourse

- Salem Police (503) 588-6123
- Keizer Police (503) 390-3713
- Marion County Sheriff (503) 588-5032

Call 911 if the person is in imminent danger.

Intake person's name: _____

Outcome:

**Oregon School
for the Deaf**

Code: **JHFE-AR(3)**
Revised/Reviewed: 4/14/16

Abuse of a Child Investigations Conducted on School Premises

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

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

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

4. Parental consent
Parent or guardian's name: _____
Date consent granted: _____
5. This interview is not considered a "seizure" pursuant to state and federal law.

Signature of interviewer

Date

Name of student to be interviewed

Date of interview

- Student not available for interview
 Student refused to be interviewed

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

This form should be placed in a separate file and not in student's educational record file.

Reporting Requirements Regarding Sexual Conduct with Students

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

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

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

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

If, following the investigation, the report is substantiated, the school will inform the employee that the report has been substantiated and provide information regarding the appeal process. The employee may appeal the school’s decision through the appeal process provided by the state’s collective bargaining agreement. A substantiated report is one that: a) an educational provider has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and b) involves conduct that the educational provider determines is sufficiently serious to be documented in the employee’s personnel file.

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

The school will post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the Director will follow upon receipt of a report. In the event that the designated person is the suspected perpetrator, the Assistant Superintendent of Student Services for the Oregon Department of Education (ODE) shall receive the report. When the Director takes action on the report, the person who initiated the report must be notified.

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 339.370 to-339.400](#)

[ORS 418.746 to-418.751](#)

[ORS 419B.005 to-419B.045](#)

Cross Reference(s):

GCAB - Personal Electronic Devices and Social Media - Staff

JHFE - Reporting of Suspected Abuse of a Child

Sexual Conduct Complaint Form

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of person allegedly engaging in sexual conduct: _____

Date and place of incident or incidents: _____

Description of sexual conduct: _____

Name of witnesses (if any): _____

Evidence of sexual conduct, e.g., 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

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: _____

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 school 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 school 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

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).

Cross Reference(s):

ECAB - Vandalism/Malicious Mischief/Theft
 IGBAB/JO - Education Records/Records of Students with Disabilities
 JOA - Directory Information
 JOB - Personally Identifiable Information

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; 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 School 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 or ODE 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.

Directory Information**

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

1. Student's name;
2. Student's home town;
3. Student's photograph;
4. Participation in officially recognized sports and activities;
5. Awards received.

Public Notice

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

Exclusions

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

Directory information shall be released only with administrative direction.

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

Information will not be given over the telephone except in health and safety emergencies.

At no point will a student's Social Security Number or student identification number be considered directory information.

END OF POLICY

Legal Reference(s):

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

[ORS 326.575](#)
[ORS 336.187](#)

[OAR 581-021-0220 to -0430](#)
[OAR 581-022-1660](#)

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

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

No Child Left Behind Act of 2001, 20 U.S.C. § 7908 (2006).

Cross Reference(s):

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

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

Personally Identifiable Information**

Personally identifiable information includes, but is not limited to:

1. Student's name, if excluded from directory information, as requested by the student/parent in writing;
2. Name of the student's parent(s) or other family member;
3. Address of the student or student's family, if excluded from directory information, as requested by the student/parent in writing;
4. Personal identifier such as the student's social security number or student ID number or biometric record;
5. A list of personal characteristics that would make the student's identity easily traceable such as student's date of birth, place of birth and mother's maiden name;
6. Other information alone or in combination that would make the student's identity easily traceable;
7. Other information requested by a person who the school reasonably believes knows the identity of the student to whom the educational record relates.

Prior Consent to Release

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

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

Exceptions to Prior Consent

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

1. To personnel within the school who have legitimate educational interests;

2. To personnel of an education service district or state regional program where the student is enrolled or is receiving services;
3. To personnel of another school, another district, state regional program or institution of postsecondary education where the student seeks or intends to enroll;
4. To authorized representatives of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state-supported education programs or the enforcement of, or compliance with federal or state supported education programs or the enforcement of or compliance with federal or state regulations;
5. To personnel determining a financial aid request for the student;
6. To personnel conducting studies for or on behalf of the school;
7. To personnel in accrediting organizations fulfilling accrediting functions;
8. To comply with a judicial order or lawfully issued subpoena;
9. For health or safety emergency;
10. By request of a parent of a student who is not 18 years of age;
11. By request of a student who is 18 years of age or older or emancipated;
12. Because information has been identified as “directory information;”
13. To the courts when legal action is initiated;
14. To a court and state and local juvenile justice agencies;
15. A judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependancy matters;
16. To a caseworker or other representative of a state or local child welfare agency or tribal organization that are legally responsible for the care and protection of the student including educational stability of children in foster care.

END OF POLICY

Legal Reference(s):

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

[ORS 326.575](#)
[ORS 336.187](#)

[OAR 581-015-2000](#)
[OAR 581-021-0220 to -0430](#)
[OAR 581-022-1660](#)

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

Cross Reference(s):

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

Parental Rights**

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

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).

Parental Rights**

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

Definitions

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

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

Requests to Inspect Materials

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

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

Requests to Excuse Student from Covered Activities

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

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

All such requests must be:

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

Student Privacy

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

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

Notification

Each principal shall be responsible for ensuring appropriate notification to parents of their rights under federal law, school policy and this regulation. Accordingly, notification will:

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

Oregon School for the Deaf

Code: **KBA**
Adopted: 4/14/16

Public Records**

“Public record” means any information that:

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

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

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

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

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

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

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

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

A duplicate of the photograph used on the badge or card shall not be disclosed.

Upon receipt of a request, the school will respond as soon as practicable and without unreasonable delay. The response must acknowledge the receipt of the request and one of the following:

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)

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

[OAR 166-400](#)

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).
OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S PUBLIC RECORD AND MEETINGS MANUAL.
Americans with Disabilities Act Amendments Act of 2008.

Public Records

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the school:

1. All requests for information must be made through the Director's office located at Oregon School for the Deaf, 999 Locust Street, N.E., Salem, Oregon 97301-0954, phone (503) 378-3825.
2. Requests for information concerning sensitive, technical or emotional issues may be required to be submitted in writing and the school will respond in writing within a time frame consistent with the request. Reasonable accommodations will be provided for persons with disabilities upon request and with appropriate advance notice;
3. Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be reimbursed to the school. Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate of \$0.05 per page. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge;
4. The school reserves the right to restrict the inspection of some public records to the school's facilities;
5. Information will be made available to individuals with disabilities in an appropriate format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

Oregon School for the Deaf

Code: **KBCA**
Adopted: 4/14/16

Communications/News Media Policy

The communications director for the Oregon Department of Education (ODE) is the official contact for calls or contact from the media. The communications director may contact Oregon School for the Deaf (OSD) staff and ask them to be the spokesperson on specific subjects. OSD staff are directed to contact the communications director for ODE prior to responding to media requests for information. The ODE and OSD will strive to be sensitive to reporter deadlines and respond to requests for information if it is possible.

Any revised language of Oregon Department of Education agency policy 581-102 - Media Policy, supersedes this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Facility and Campus Usage

The Oregon School for the Deaf (OSD) is a state operated program administered by the Oregon Department of Education (ODE). While the primary mission for the facility is to educate children who are Deaf or hard of hearing, during periods of non-use, the buildings and areas are available for compatible usage.

It is the policy of the school that OSD facilities and areas shall be made available, under capable and responsible supervision, for community activities of an educational, recreational, social, cultural or civic nature, so long as such use does not interfere with the school's program and costs associated with usage, cleaning and wear and tear are covered.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.172](#)

Cross Reference(s):

EDC/KGF - Authorized Use of School Equipment and Materials

KGF/EDC - Authorized Use of School Equipment and Materials

Facility and Campus Usage

The Oregon School for the Deaf (OSD) classifies groups into four categories for the purpose of prioritizing facility usage, and for determination of facility cost. The four categories are as follows:

1. Groups that are directly associated with the OSD or the Oregon Department of Education (ODE). Examples include, but are not limited to, OSD parent groups, alumni associations, Oregon Association of the Deaf (OAD), Mid-Valley Athletic Association of the Deaf (MVAAD) and Oregon Association of the Deaf Services Center (OADSC).
2. Groups associated with other agencies of the state of Oregon.
3. Public education agencies and nonprofit organizations that serve individuals with disabilities (e.g., Salem-Keizer School District, Willamette ESD).
4. Groups associated with youth and civic organizations (e.g., Boy/Cub Scouts, Girl Scouts, 4-H, Little League teams, YMCA).

For groups 1 through 3, only officially sponsored activities qualify. Activities involving individuals from these groups that are “unofficial” place them in group 4.

When conflicting requests are made for the same facility, priority is given in the same order as the groups are numbered. Once a facility is reserved, any change in usage occurs only with the concurrence of all parties or by the decision of the Director.

If there is any history of problems occurring with reservations at OSD the group will not be able to reserve at OSD. If payment is not made promptly within two weeks of use, that group will only be permitted to reserve with pre-payment.

Facility Reservation Process

To reserve a facility or area at OSD an individual or group needs to:

1. Complete an Application for Facility Usage form. This form delineates the individual/group who plans to use the facility, the facility/area desired, the date and time of the usage and any special needs that may apply to the facility usage.
2. Submit the completed Application for Facility Usage form to the OSD Receptionist.
3. The OSD Receptionist determines if the desired room/location is available. For requests to use the Peck or Hokanson gym, the pool or any athletic fields, the Receptionist will contact the Athletic Director to obtain approval for usage.

4. If the facility is unavailable, the receptionist communicates this to the individual making the request. If the facility is available the form is forwarded to the Director for confirmation of status, fees to be charged, event supervisor determination, and final approval.
5. Approved requests are communicated to:
 - a. The person/group making the request.
 - b. The event supervisor (if different from requesting individual).
 - c. The Supervisor of Maintenance.
6. The Receptionist logs the facility usage on a master calendar as a means of tracking all use of the OSD campus by outside groups and works with the cashier to monitor payment of facility use fees.

Fees

The fees for usage of the OSD facilities include rental of the space desired and normally anticipated costs for personnel needed to provide for set-up and clean-up. The chart below identifies hourly fees or event charges by facility.

User Group Category	Peck Gym	Pool	Hokanson Gym	Clerc Conference Room	McKnight Cafeteria	Athletic Fields: Football Baseball
1	\$10/hour	\$15/hour	\$5/hour	\$0	\$0	\$0
2	\$20/hour	\$30/hour	\$10/hour	\$0	\$20/hour	\$15/hour
3	\$30/hour	\$40/hour	\$20/hour	\$15/hour	\$25/hour	\$20/hour
4	\$40/hour	\$50/hour	\$30/hour	\$20/hour	\$40/hour	\$30/hour

If additional personnel are required for special set-up/clean-up, supervision of the event, preparation or serving of food, or other special services, OSD will charge actual costs for staff who provide the services in addition to the posted hourly rates. For the purpose of estimating these additional personnel costs, approximate hourly rates are as follows:

Other Associated Fees as established by the Director.

Applicants who anticipate the need for additional personnel will need to work directly with an OSD staff member to plan the event.

Meals

Groups may request to purchase lunch during day meetings. The cost of a ticket is \$3 per person. Meals must be ordered at least two weeks in advance of the meeting. Cancellations must be received at OSD at least 48 hours prior to the meeting day or the group will be charged for the meals.

Supervision

All events on the OSD campus will have a designated supervisor. While this supervisor will generally be the individual who reserves the facility, based upon the nature of the event, the OSD Director may elect to assign an OSD employee to this role. In the event that this occurs, the cost of the supervisor will be added to the rental cost. OSD facilities may only be used when there is an OSD staff member on campus.

General Guidelines

1. The Director has final approval of all facility usage.
2. All users of school property must comply with all federal, state and municipal equal opportunity laws and regulations prohibiting discrimination.
3. The use of school facilities and areas for partisan, political or sectarian purposes may be granted with the specific approval of the Director or his/her designee. Such endorsement does not imply the endorsement or sponsorship by the Director or the school. Such activities would fall in Category 4.
4. The event supervisor (designated person responsible for the outside group) will be in attendance at all times during the usage of the facility and is responsible to carefully monitor behavior, use of property and assurance the areas are cleaned and restored to previous condition when done using them.
5. The event supervisor will have available a roster of all participants.
6. The possession or use of alcoholic beverages or illegal drugs in any form including nicotine or nicotine delivering devices, chemicals or devices that produce the physical effect of nicotine substances or any other tobacco substitute (e.g., e-cigarettes) is prohibited at all times and in any location or building on campus and may result in a call to law enforcement. This does not include FDA-approved nicotine replacement therapy products used for the purpose of cessation.
7. Issuance of keys to other than school personnel will not be permitted.
8. Equipment and furniture, including pianos, shall be used and moved only with the approval of the Director.
9. The maximum number of people permitted in any school facility shall be restricted to its seating capacity as indicated by the appropriate Fire Marshall.
10. The school reserves the right to require security personnel, at the expense of the user, at any event the Director deems necessary.

11. The Director or his/her designated supervisor has the right to stop any activity at any time if, in his/her judgment, there are flagrant violations of school policies and rules or federal, state or municipal laws or if the activity is deemed to be hazardous to people, buildings or equipment.

Billing/Payment Process

Payment for facility use will be made to the OSD cashier at the time the reservation is confirmed.

Facility Damages

If damages result from the use of the facility, the event supervisor must report the damage to the maintenance staff on duty. The Maintenance Supervisor will assess the damage and write an incident report, to include repair costs for materials and labor. The incident report will then be sent to the Director. These costs (above and beyond normal wear and tear) will be billed, the organization and any event participants will not be able to use the facilities until costs are paid. Serious damage will result in a complete loss of facility use.

Special Requirements

1. Gym

Gym shoes are required for participants involved in active sports or games.

2. Pool

All participants must shower prior to entering pool area.

- a. Applicant is responsible for providing a lifeguard for their event. A copy of the lifeguard's certification is required with the Application for Facility Usage.
- b. No one is allowed to be in the pool area unless a certified lifeguard is present on the pool deck.
- c. All participants must provide their own towels.
- d. A final check of the area must be made to ensure water, lights are turned off; the area is clean and all doors are locked.

OSD facilities are unavailable for rental during the month of August each year to accommodate annual maintenance. Outside groups may not use facilities in areas students are utilizing nearby locations.

Public Conduct on School Property

No person on school property or any school grounds, including parking lots, shall:

1. Haze, harass, intimidate, bully or menace another, or engage in behavior deemed by the school to endanger the safety of students, employees, self or others;
2. Use or engage in abusive verbal or physical conduct that interferes with the performance of students, event officials or sponsors of approved activities;
3. Damage the property of another or of the school;
4. Initiate or circulate a report, one knows to be false, concerning an alleged hazardous substance, impending fire, explosion, catastrophe or other emergency that will take place in or upon a school;
5. Construct or transport to school property for temporary or permanent purposes any structure not approved for construction on, or transportation to school property;
6. Uproot, pick, cut, mutilate or remove plant life or other natural resources of any kind. Roots, tubers, flowers and stems may not be collected. Soil or rock may not be dug up or removed;
7. Dump or spill any sewage, waste water or other fluids from any vehicle;
8. Use schools waste containers or other school property for the deposit of waste or refuse generated from household, commercial, industrial, construction or other uses not related to approved use on school property;
9. Block, obstruct or interfere with vehicular or pedestrian traffic on any school road, parking area, walkway, pathway or common area. Occupying or impeding access to any school facility in a manner that interferes with the approved use of such facility by school employees, students or other authorized users is prohibited;
10. Fly, launch or otherwise operate motorized model airplanes/helicopters/rockets or other similar propulsion devices unless approved in advance by the school;
11. Distribute or post circulars, notices, leaflets, pamphlets or other written or printed material in violation of school policy KJA - Materials Distribution;

12. Operate a concession, solicit, sell or offer for sale any goods, wares, merchandise, food, beverages or services without prior school approval. Public sales and solicitation on school property will be governed by school policy KI/KJ - Commercial Advertising/Merchandise Sales;
13. Operate a motor vehicle in an area other than on roads and in parking areas constructed or designated for motor vehicle use. Vehicles shall be driven in a safe manner, at posted speeds only and appropriately parked in areas designated by the school. Motorized vehicles such as minibikes, scooters, go-carts, all-terrain-vehicles, snowmobiles and other similar devices are prohibited on school grounds. Bicyclists must comply with motor vehicle and bike regulatory signs;
14. Use a skateboard, rollerblades, scooter or similar device other than in designated areas during nonschool hours at the user's risk;
15. Bring an animal into a school building without prior administrator approval and, where appropriate, only when proof of current rabies vaccination has been provided. Dogs are prohibited on school grounds. All other animals on school property are permitted with prior school approval only. Animals serving the disabled are permitted as provided by law;
16. Camp overnight, loiter or otherwise be present on school property after the conclusion of approved activities or as otherwise posted or authorized by the school. Individuals are prohibited from entering any portion of school premises at any other time for purposes other than those which are lawful and authorized by school officials;
17. Use or operate any noise-producing machine, vehicle, device or instrument in a manner that, in the judgment of school officials, is disturbing to, or interferes with, the orderly conduct of school programs or approved activities;
18. Impede, delay or otherwise interfere with the orderly conduct of the school's educational program or any other activity taking place on school property which has been authorized by the school;
19. Bring, possess, conceal or use a weapon as prohibited by school policy JFCJ - Weapons in the Schools and state and federal law;
20. Possess, consume, sell, give or deliver unlawful drugs and/or alcoholic beverages. Possess, sell, give or deliver drug paraphernalia;
21. Use tobacco products or inhalant delivery systems, in any form (Pro-Children Act of 1994; ORS 433.835 to -433.990; OAR 581-021-0110);
22. Wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other items which are evidence of membership or affiliation in any gang. Use speech or commit any act or omission in furtherance of the interests of any gang or gang activity. A "gang" is defined as a group that identifies itself through the use of a name, unique appearance or language including hand signs, claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity;
23. Violate posted regulatory signs;

24. Willfully violate other school policies, administrative regulations or school rules designed to maintain public order on school property.

Persons having no legitimate purpose or business on school property or violating or threatening to violate the above rules may be issued a trespass citation, ejected from the premises or excluded from school-approved activities temporarily or permanently and/or referred to law enforcement officials.

The Director will ensure that appropriate notice of these rules is provided.

END OF POLICY

Legal Reference(s):

ORS 161.015	ORS 166.210 to -166.370	ORS 806.060 to -806.080
ORS 164.245	ORS 336.109	
ORS 164.255	ORS 339.883	OAR 333-015-0025 to -0090
ORS 166.025	ORS 431.840	OAR 581-021-0110
ORS 166.155 to -166.165	ORS 433.835 to -433.990	OAR 584-020-0040(4)(e),(g)

Gun-Free Schools Act, 20 U.S.C. 7151 (2006).
Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2006).
Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006).

Cross Reference(s):

ECAB - Vandalism/Malicious Mischief/Theft
KGC/GBK/JFCG - Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems

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

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

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

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

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

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

Violation of this policy by nonstudents may result in the individuals removal from school property. The school reserves the right to restrict access to school property by individuals who are repeat offenders.

END OF POLICY

Legal Reference(s):

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

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

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

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

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

Cross Reference(s):

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

Oregon School for the Deaf

Code: **KGF/EDC**
Adopted: 4/14/16

Authorized Use of School Equipment and Materials

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

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

END OF POLICY

Legal Reference(s):

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

[OAR 584-020-0040](#)

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

Cross Reference(s):

KG - Facility and Campus Usage
EDC/KGF - Authorized Use of School Equipment and Materials

Commercial Advertising/Merchandise Sales

The school recognizes that school-sponsored commercial advertising and merchandise sales may provide an important source of revenue for its programs and activities. Such sales may be permitted as approved by the Director or designee and as provided by this policy.

“Commercial advertising” as used in this policy means, use by any person, company, business or corporation, for personal or private gain, of any school media, including, but not limited to, school newspaper, yearbook or other printed material, flyer or circular, radio, television, video or any other electronic technology or indoor or outdoor signage designed to:

1. Transmit a message offering any goods or services;
2. Cause or induce any other person to purchase any goods or services;
3. Increase demand for any goods or services.

Commercial advertising and merchandise sales approved by the school must be consistent with school mission, goals, school policies and administrative regulations; promote positive values for students through proactive educational messages that encourage student achievement and high standards of personal conduct.

The Director or designee may consider for approval revenue-enhancing activities that include, but are not limited to, contracts or agreements for:

1. Exclusive advertising and/or rental, sale, lease or use of any product or service throughout the school or at specified locations or times to a person, business or corporation in exchange for goods or services (e.g., scoreboards, electronic message boards, athletic gear, exclusive right to sell beverages, bottled water, snacks, meals, etc.);
2. Products or services that require the dissemination of advertising to staff, students, parents or others or allow any person, business or corporation to obtain information from staff, students, parents or others for the purposes of market research;
3. The use of school facilities or grounds in exchange for products, services or financial considerations (cell phone towers, etc.);
4. Technology hardware, software, satellite hook-up and/or access in exchange for free or reduced prices and/or fees and/or advertising rights, or agreement to use equipment a certain number of hours of the day, month, etc.;
5. Naming rights to school property in exchange for goods, services or monetary considerations.

The solicitation and sale of travel services to students is prohibited. All contracts considered for approval are subject to the competitive procurement requirements of school policies DJ - School Purchasing and the local contract review board's public contracting rules. Competitive procurement as used in this policy includes monetary as well as in-kind contributions (i.e., scoreboards, computers, other equipment or materials).

END OF POLICY

Legal Reference(s):

[ORS 279B.055](#)
[ORS 279C.335](#)

[ORS 332.107](#)
[ORS 332.593](#)

[ORS 339.880](#)

32 OR. ATTY. GEN. OP. 209 (1965)
46 OR. ATTY. GEN. OP. 239 (1989)

Materials Distribution**

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

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

The Director or designee shall determine distribution procedures. Such procedures may include:

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

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

Visitors to School Facilities**

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 164.245](#)
[ORS 164.255](#)
[ORS 166.025](#)
[ORS 166.155 to -166.165](#)
[ORS 332.107](#)

Oregon School for the Deaf

Code: **KL**
Adopted: 4/14/16

Public Complaints

Members of the public and students are encouraged to make their concerns known to the Oregon School for the Deaf (OSD) and to give the OSD an opportunity to review those concerns and respond to them.

Complaints about instructional materials, staff members or alleged violation of state standards should be dealt with first at the local school. Persons having complaints should approach the principal and, if possible, resolve the problems at this level.

Complaints about school policy or administrative regulations should be referred directly to the Director.

Complaints against the principal may be filed with the Director. Complaints against the Director should be referred to the Assistant Superintendent of Student Services for the Oregon Department of Education (ODE).

If the person(s) having a complaint fails to resolve the concern with the principal or the Director, the person may request that the matter be referred to the Assistant Superintendent for ODE.

The Director shall develop administrative regulations designed to encourage the timely resolution of public complaints while providing a system of review which will allow both the complainant and other affected parties an opportunity to be heard.

If a complaint alleges a violation of state standards and is not resolved at the local level, then the school will supply the complainant with appropriate information in order to file a direct appeal to the State Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581-022-1940.

END OF POLICY

Legal Reference(s):

[ORS 192.610 to -192.690](#)
[ORS 332.107](#)

[OAR 581-022-1940](#)
[OAR 581-022-1941](#)

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

Public Complaint Procedure

Initiating a Complaint: Step One

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

The Administrator: Step Two

If the complainant is unable to resolve a problem or concern at step one, within five working days of the meeting with the employee, the complainant may file a written, signed complaint with the administrator. The administrator shall evaluate the evidence and render a decision within five working days after receiving the complaint.

The Director: Step Three

If such a discussion with the administrator does not resolve the complaint, within 10 working days of the meeting with the administrator the complainant, if he/she wishes to pursue the action, shall file a signed, written complaint with the Director clearly stating the nature of the complaint and a suggested remedy. (A form is available, but is not required.)

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

The Assistant Superintendent of Student Services for ODE: Step Four

If the complainant is dissatisfied with the Director's findings and conclusion, the complainant may appeal the decision to the Assistant Superintendent of Student Services for the Oregon Department of Education (ODE) within five working days of receiving the Director's decision. The Assistant Superintendent may hold a hearing to review the findings and conclusion of the Director, to hear the complainant and hear and evaluate such other evidence as it deems appropriate. Generally all parties involved, including the school administration, will be asked to attend such meeting for the purposes of presenting additional facts, making further explanations and clarifying the issues.

The complainant shall be informed of the decision from the assistant superintendent within 20 working days from the hearing of the appeal. The decision of the Assistant Superintendent of Student Services will be final.

The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the administrator.

Complaints against an administrator may be filed with the Director. Complaints against the Director should be referred to the assistant superintendent of student services for ODE.

If a complaint alleges a violation of state standards and is not resolved with the Assistant Superintendent, then the school will supply the complainant with appropriate information in order to file a direct appeal to the State Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581-022-1940.

Oregon School for the Deaf

COMPLAINT FORM

TO: Name of School _____

Person Making Complaint _____

Telephone Number _____ Date _____

Nature of Complaint _____

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

Suggested solution/resolution/outcome: _____

Office Use: Disposition of Complaint: _____

Signature: _____ Date: _____

cc: School Office

Oregon School for the Deaf

Code: **KN**
Adopted: 4/14/16

Relations with Law Enforcement Agencies

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

Programs and activities designed to enrich school curriculum and to develop and promote good citizenship and a healthy attitude toward law enforcement agencies and officials will be encouraged by the school. Law enforcement participation in such programs and activities is encouraged.

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

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

END OF POLICY

Legal Reference(s):

[ORS 329.150](#)
[ORS 419B.015](#)
[ORS 419B.045](#)

Letter Opinion, Office of the Attorney General (August 18, 1986).
Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F. 3d 1201 (9th Cir. 2011).

Cross Reference(s):

JFG - Student Searches

Relations with Law Enforcement Agencies

Law Enforcement Initiated Requests

Interviews/Investigations of Students

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

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

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

Administrator-Initiated Requests

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

**Oregon School
for the Deaf**

Code: **KN-AR(2)**
Revised/Reviewed: 4/14/16

Abuse of a Child or Other Investigations Conducted on School Premises

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

When an administrator is notified that law enforcement would like to interview a student at school for the purpose of an investigation that is not related to abuse of a child, the administrator must request that the investigating official provide the information below. Failure to meet one of the five criteria may result in the administrator's refusal to allow the student interview on school property.

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

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

4. Parental consent
Parent or guardian's name: _____
Date consent granted: _____
5. This interview is not considered a "seizure" pursuant to state and federal law.

Signature of interviewer

Date

Name of student to be interviewed

Date of interview

Student not available for interview

Student refused to be interviewed

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

This form should be placed in a separate file and not in student's educational record file.

INDEX

The index in this manual is a listing of suggested titles for policy statements. Your board may not have adopted policies in all of these areas. This index is included to help locate policies until you become familiar with your new manual and also to identify codes for any new policies you might add in the future.

The manual is divided into the following categories:

Section A/B - Board Governance - contains policies that relate to the structure and foundation of the district and the organization, practices and procedures of the Board.

Section C - Administration - contains policies that pertain to the management of the district, the administrative structure, the superintendent and policy implementation.

Section D - Fiscal Management - contains policies that cover the management of district funds.

Section E - Support Services - contains policies which cover noninstructional programs and services, i.e., transportation, nutrition, etc.

Section F - Facilities - contains policies covering construction, remodeling and long-range planning.

Section G - Personnel - contains the Board's personnel policies. This section is divided into three sections: GB - general personnel policies, covering all staff; GC - licensed staff policies; GD - support staff policies.

Section H - Negotiations - covers policies relating to the process of negotiations. Due to Oregon law, no policies are needed in this section.

Section I - Instruction - contains policies relating to the instructional program, goals, curriculum, special education, TAG, alternative education, cocurricular/extracurricular activities, assessments and grading/credits.

Section J - Students - contains policies dealing with admission, attendance, conduct and discipline and other student matters. Most policies dealing with student activities are found in Section I.

Section K/L - Community Relations - contains policies relating to relations with the general public, community organizations, public agencies and other educational organizations.

Sample policies for codes which your district has not yet adopted are available from our office.

A

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J

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L

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M

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N

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O

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P

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Properties Disposal.....	DN
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Q

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R

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Education.	JO series
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Education.	JO
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Personnel.	GBL
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Staff.	GCC, GDC
Superintendent.	CBB
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Personally Identification Information.	JOB
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T

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District Vehicles.	EEBA
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Vehicle.	EEBC
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V

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W

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Accident Reports.	EBBB
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Y

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Fiscal.	DBB
School.	IC
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Z

Zero Tolerance - See Discipline, Violence, Weapons