Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of district 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).

Oregon School
for the Deaf

Code: **JFCG/KGC/GBK**
Adopted:

# 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).

Oregon School
for the Deaf

Code: **JFCJ**
Adopted:

# 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 superintendent 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 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).

Oregon School
for the Deaf

Code: **JFCM**
Adopted:

# 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).

Oregon School
for the Deaf

Code: **JFG**
Adopted:

# 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 ~~Board's~~ 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).

Oregon School for the Deaf

Code: **JFG-AR**
Revised/Reviewed:

# 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 Searches[1]

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

[1]Consult 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 y 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 |

R2/26/15 | KW

Corrected 5/01/15; Corrected 7/10/15; Corrected 8/05/15

Oregon School
for the Deaf

Code: **JG**
Adopted:

# 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

Oregon School
for the Deaf

Code: **JGA**
Adopted:

# 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

Oregon School
for the Deaf

Code: **JGAB**
Adopted:

# 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 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

Oregon School
for the Deaf

Code: **JGAB-AR**
Revised/Reviewed:

# 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:

# 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

R4/04/03 | MW

Corrected 7/10/15; Corrected 8/05/15

Oregon School
for the Deaf

Code: **JGDA/JGEA**
Adopted:

# 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 326.575
ORS 336.187
ORS 339.240
ORS 339.250
ORS 339.252
ORS 343.177

OAR 581-015-2400
OAR 581-015-2405
OAR 581-015-2410
OAR 581-015-2415
OAR 581-015-2420
OAR 581-015-2425
OAR 581-015-2430
OAR 581-015-2435
OAR 581-015-2440

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

Oregon School
for the Deaf

Code: **JGDA/JGEA-AR**
Adopted:

# 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 or 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) Give 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.

Oregon School
for the Deaf

Code: **JGE**
Adopted:

# 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 service[1] 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;

[1]The 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

Oregon School
for the Deaf

Code: **JGEA**
Adopted:

# 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

R2/10/04 | NC

Corrected 7/10/15; Corrected 8/05/15

Oregon School
for the Deaf

Code: **JHC**
Adopted:

# 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 examination[1] 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).

HR9/24/09 | PH

Corrected 7/10/15; Corrected 8/05/15

[1]The 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:

# 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

9/28/07 | PH

Corrected 7/10/15

Oregon School
for the Deaf

Code: **JHCC-AR**
Revised/Reviewed:

# 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:

# 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 AIDS[1].

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.

R6/06/13 | PH

Corrected 7/10/15

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

Oregon School for the Deaf

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

# Infection Control - HIV, AIDS, HBV

The school shall use standard precautions at all times for infection control. Each person is therefore treated as though an HIV, AIDS or HBV[1] infection exists.

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

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

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

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

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

END OF POLICY

---

**Legal Reference(s):**

OAR 437-002-0360
OAR 437-002-0377
OAR 581-022-0705
OAR 581-022-1440
OAR 581-053-0240(23)(c)
OAR 581-053-0250(1)

2/10/04 | NC

Corrected 7/10/15

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

Oregon School
for the Deaf

Code: **JHCD**
Adopted:

# 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

R10/23/14 | PH

Corrected 7/10/15

Oregon School for the Deaf

Code: **JHCD/JHCDA-AR**
Revised/Reviewed:

# 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. "Physician[1]" 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

[1]Added 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 medication[2];
        (4) Emergency and minor adverse reaction incidents[1];
        (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.

---

[2]Designated 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.

Oregon School
for the Deaf

Code: **JHCDA**
Adopted:

# 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 physician[1] 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.

[1]Added 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

Oregon School
for the Deaf

Code: **JHFD**
Adopted:

# 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

HR4/04/03 | MW

Corrected 7/10/15

Oregon School
for the Deaf

Code: **JHFDA**
Adopted:

# 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:

# 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: _____

2/1/04 | NC Corrected 7/10/15

Oregon School for the Deaf

Code: **JHFDA-AR(2)**
Revised/Reviewed:

# 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) |

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.

| | |
|---|---|
| Name of School | Telephone Number ( ) |
| Address City State Zip Code | |
| Title: ☐ Director ☐ School Board Member/Director ☐ 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

8/1/00 | MW

Oregon School
for the Deaf

Code: **JHFE**
Adopted:

# 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).

Oregon School
for the Deaf

Code: **JHFE-AR(1)**
Adopted:

# 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
Orig. Code(s): None

# Suspected Abuse Reporting Form

All 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:

# 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.

HR5/23/12 | RS Corrected 7/10/15

Oregon School
for the Deaf

Code: **JHFF**
Adopted:

# 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

Oregon School
for the Deaf

Code: **JHFF-AR**
Revised/Reviewed:

## Sexual Conduct Complaint Form

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of person allegedly engaging in sexual conduct: _____

Date and place of incident or incidents: _____

_____

Description of sexual conduct: _____

_____

_____

Name of witnesses (if any): _____

_____

_____

Evidence of sexual conduct, 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: _____

Oregon School
for the Deaf

Code: **JO/IGBAB**
Adopted:

# 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).

Oregon School
for the Deaf

Code: **JO/IGBAB-AR**
Adopted:

# Education Records/Records of Students with Disabilities Management

1. Student Education Record

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

a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
b. Records of the law enforcement unit of the school subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
c. Records relating to an individual who is employed by the school, that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the school who is employed as a result of his/her status as a student, are education records and are not excepted under this section;
d. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:

   (1) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity;
   (2) Made, maintained or used only in connection with treatment of the student; and
   (3) Disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the school.

e. Records that only contain information relating to activities in which an individual engaged after he/she is no longer a student at the school;
f. Medical or nursing records which are made or maintained separately and solely by a licensed health-care professional who is not employed by the school, and which are not used for education purposes or planning.

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

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

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

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

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

2. Confidentiality of Student Records

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

3. Rights of Parents and Eligible Students

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Release of Personally Identifiable Information

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

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

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

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

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

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

d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

(1) Determine eligibility for the aid;
(2) Determine the amount of the aid;
(3) Determine the conditions for the aid; or
(4) Enforce the terms and condition of the aid.

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

e. The disclosure is to organizations conducting studies for, or on behalf of, the school to:

(1) Develop, validate or administer predictive tests;
(2) Administer student aid programs; or
(3) Improve instruction.

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

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

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

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

(1) Designates the individual or entity as an authorized representative;

(2) Specifies the personally identifiable information being disclosed;
(3) Specifies the personally identifiable information being disclosed in the furtherance of an audit, evaluation or enforcement or compliance activity of the federal or state-supported education programs;
(4) Describes the activity with sufficient specificity to make clear it falls within the audit or evaluation exception; this must include a description of how the personally identifiable information will be used;
(5) Requires information to be destroyed when no longer needed for the purpose for which the study was conducted;
(6) Identifies the time period in which the personally identifiable information must be destroyed; and
(7) Establishes policies and procedures which are consistent with Family Education Rights and Privacy Act (FERPA) and other federal and state confidentiality and privacy provisions to insure the protection of the personally identifiable information from further disclosure and unauthorized use.

g. The disclosure is to accrediting organizations to carry out their accrediting functions;
h. The disclosure is to comply with a judicial order or lawfully issued subpoena. The school may disclose information under this section only if the school makes a reasonable effort to notify the eligible student or student's parent(s) of the order or subpoena in advance of compliance, unless an order or subpoena of a federal court or agency prohibits notification to the parent(s) or student;
i. The disclosure is to comply with a judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependency matters;
j. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
k. The disclosure is in connection with a health or safety emergency. The school shall disclose personally identifiable information from an education record to law enforcement, child protective services and health care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. If the school determines that there is an articulable and significant threat, the school will document the information available at that time of determination and the rationale basis for the determination for the disclosure of the information from the educational records.

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

# 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).

Oregon School
for the Deaf

Code: **JOB**
Adopted:

# Personally Identifiable Information**

Personally identifiable information includes, but is not limited to:

1. Student's name, if excluded from directory information, as requested by the student/parent in writing;

2. Name of the student's parent(s) or other family member;

3. Address of the student or student's family, if excluded from directory information, as requested by the student/parent in writing;

4. Personal identifier such as the student's social security number or student ID number or biometric record;

5. A list of personal characteristics that would make the student's identity easily traceable such as student's date of birth, place of birth and mother's maiden name;

6. Other information alone or in combination that would make the student's identity easily traceable;

7. Other information requested by a person who the 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.

R6/06/13 | PH Corrected 7/10/15

OREGON SCHOOL FOR THE DEAF

TABLE OF CONTENTS

SECTION K/L: DISTRICT-COMMUNITY RELATIONS


Parental Rights** . . . KAB
Parental Rights** . . . KAB-AR

Public Records** . . . KBA
Public Records . . . KBA-AR
Communications/News Media Policy . . . KBCA

Facility and Campus Usage . . . KG
Facility and Campus Usage . . . KG-AR
Persons "Under the Influence" . . . KGB- DELETE
Public Conduct on School Property . . . KGB
Persons "Under the Influence" – Procedures . . . KGB-AR
Weapons . . . KGB/GBJ/JFCJ-DELETE
Smoking . . . KGC/GBK/JFCG-DELETE

Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems . . . KGC/GBK/JFCG
Tuesday Evening Sign Class . . . KGE- DELETE
Authorized Use of School Equipment and Materials . . . KGF/EDC

Commercial Advertising/Merchandise Sales . . . KI/KJ

Materials Distribution** . . . KJA
Announcement and Event Posting . . . KJB- DELETE

Visitors . . . KK- DELETE

Visitors to School Facilities** . . . KK

Public Complaints . . . KL
Public Complaint Procedure . . . KL-AR

Relations with Law Enforcement Agencies . . . KN
Relations with Law Enforcement Agencies . . . KN-AR(1)
Abuse of a Child or Other Investigations Conducted on School Premises . . . KN-AR(2)


The following symbol is used on some policies:

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

Oregon School
for the Deaf

Code: **KAB**
Adopted:

# 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.

---

[1]Covered 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.

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

The 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).

Oregon School
for the Deaf

Code: **KAB-AR**
Revised/Reviewed:

# 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:

# 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 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 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.

Oregon School for the Deaf

Code: **KBA-AR**
Revised/Reviewed:

# 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:

# 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

Added 6/03/15; Corrected 7/31/15

Oregon School
for the Deaf

Code: **KG**
Adopted: 8/25/09
Orig. Code(s): None

# 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.

lt 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

Oregon School
for the Deaf

Code: **KG-AR**
Revised/Reviewed: 10/11/01
Orig. Code(s): None

# 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 | Carpenter House** |
|---|---|---|---|---|---|---|---|
| **1** | $10/hour | $15/hour | $5/hour | $0 | $0 | $0 | $20 per person per night |
| **2** | $20/hour | $30/hour | $10/hour | $0 | $20/hour | $15/hour | $30 per person per night |
| **3** | $30/hour | $40/hour | $20/hour | $15/hour | $25/hour | $20/hour | $50 per person per night |
| **4** | $40/hour | $50/hour | $30/hour | $20/hour | $40/hour | $30/hour | Not Available |

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.

** Parents of prospective and regular students who come to visit campus may stay up to two nights per year at no cost.

**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.

Oregon School
for the Deaf

Code: **KGB**
Adopted:

# 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 164.245
ORS 164.255
ORS 166.025
ORS 166.155 to -166.165
ORS 166.210 to -166.370
ORS 336.109
ORS 339.883
ORS 431.840
ORS 433.835 to -433.990
ORS 806.060 to -806.080

OAR 333-015-0025 to -0090
OAR 581-021-0110
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).

Oregon School
for the Deaf

Code: **KGC/GBK/JFCG**
Adopted:

# 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).

Oregon School
for the Deaf

Code: **KGF/EDC**
Adopted:

# Authorized Use of School Equipment and Materials

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

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

END OF POLICY

---

**Legal Reference(s):**

ORS Chapter 244
ORS 332.107

OAR 584-020-0040

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

Oregon School
for the Deaf

Code: **KI/KJ**
Adopted:

# 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.