

THE CENTER FOR ADVANCED LEARNING

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The following symbol is used on some policies:

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

# The Center for Advanced Learning

Code: AC  
Adopted:

## **Nondiscrimination**

The public charter school shall promote nondiscrimination and an environment free of harassment based on an individual's race, color, religion, sex, sexual orientation<sup>1</sup>, national origin, marital status, age or disability, because of the race, color, religion, sex, sexual orientation, national origin, marital status, age or disability of any other persons with whom the individual associates.

A public charter school may not limit student admission based on ethnicity, national origin, race, religion, disability, gender, income level, proficiency in English language or athletic ability, but may limit admission to students within a given age group or grade level.

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

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

The public charter school director shall appoint and make known, the individuals to contact on issues concerning the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title VI, Title VII, Title IX and other civil rights or discrimination issues.<sup>2</sup> The public charter school board will adopt and the public charter school will publish grievance procedures providing for prompt and equitable resolution of student and employee complaints.

Federal civil rights laws prohibit discrimination against an individual because he/she has opposed any discrimination act or practice; or because that person has filed a charge; testified, assisted or participated in an investigation, proceeding or hearing. ADA further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under the Act.

END OF POLICY

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

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

**Legal Reference(s):**

<a href="#">ORS 174.100</a>	<a href="#">ORS 659A.006</a>	<a href="#">ORS 659A.236</a>
<a href="#">ORS 192.630</a>	<a href="#">ORS 659A.009</a>	<a href="#">ORS 659A.309</a>
<a href="#">ORS 326.051(1)(e)</a>	<a href="#">ORS 659A.029</a>	<a href="#">ORS 659A.321</a>
<a href="#">ORS 338.125(3)</a>	<a href="#">ORS 659A.030</a>	<a href="#">ORS 659A.409</a>
<a href="#">ORS 342.934(3)</a>	<a href="#">ORS 659A.043</a>	
<a href="#">ORS 659.150</a>	<a href="#">ORS 659A.103</a>	<a href="#">OAR 581-021-0045</a>
<a href="#">ORS 659.805</a>	<a href="#">ORS 659A.109</a>	<a href="#">OAR 581-021-0046</a>
<a href="#">ORS 659.815</a>	<a href="#">ORS 659A.112 - 659A.139</a>	<a href="#">OAR 581-021-0049</a>
<a href="#">ORS 659.850</a>	<a href="#">ORS 659A.142</a>	<a href="#">OAR 581-022-1140</a>
<a href="#">ORS 659.865</a>	<a href="#">ORS 659A.145</a>	
<a href="#">ORS 659.870</a>	<a href="#">ORS 659A.233</a>	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (2006).

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

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).

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

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

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

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

Americans with Disabilities Act Amendments Act of 2008.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.

Title II of the Genetic Information Nondiscrimination Act of 2008.

## **Discrimination Complaint/Grievance Procedure**

Complaints regarding the interpretation or application of the public charter school's nondiscrimination policy shall be processed in accordance with the following procedures:

### **Informal Procedure**

Any person who feels that he or she has been discriminated against should discuss the matter with the director, who shall in turn investigate the complaint and respond to the complainant within five school days. If this response is not acceptable to the complainant, he or she may initiate formal procedures.

If the director is the subject of the complaint, the complaint may be filed with the public charter school board chair.

### **Formal Procedure**

- Step 1: A written complaint must be filed with the director within five school days of receipt of the response to the informal complaint. The director shall further investigate, decide the merits of the complaint and determine the action to be taken, if any, and reply, in writing, to the complainant within 10 school days.
- Step 2: If the complainant is not satisfied with the decision of the director, a written appeal may be filed with the public charter school board within five school days of receipt of the director's response to Step 1. In an attempt to resolve the complaint, the public charter school board shall meet with the concerned parties and their representative at the next regular or special Board meeting. A copy of the public charter school board's decision shall be sent to the complainant within 10 days of this meeting.

If the complainant is not satisfied after exhausting local complaint procedures, or 90 days, whichever occurs first, he or she may appeal in writing to the Superintendent of Public Instruction.

**Center for Advanced Learning  
DISCRIMINATION COMPLAINT FORM**

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Name of Person Filing Complaint                      Date                      School or Activity

Student/Parent     Employee     Nonemployee  (Job applicant)

Type of discrimination:     Race                       Color                       Religion  
 Sex                       National Origin                       Disability  
 Marital Status                       Age                       Sexual Orientation  
 Income level                       Athletic ability                       Proficiency in English language

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

Remedy requested:

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

# The Center for Advanced Learning

Code: ACA  
Adopted:

## **Americans with Disabilities Act**

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

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

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

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).

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

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

Americans with Disabilities Act Amendments Act of 2008.

## ADA Grievance Procedure

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

- Step 1 Any complaint shall be presented in writing to the director within 180 days from date of alleged discrimination. It must include the following:
- a. The name and address of the individual or the representative filing the complaint;
  - b. The description of the alleged discriminatory action in sufficient detail to inform the public charter school of the nature and date of the alleged violation;
  - c. A signature by the complainant or by someone authorized to do so on his/her behalf;
  - d. The identification (by name, if possible) of the alleged victims of the discrimination for any complaint filed on behalf of classes or third parties.
- Step 2 The director shall thoroughly investigate the complaint, notify the person who has been accused of discriminating, permit a response to the allegation and arrange a meeting to discuss the complaint with all concerned parties within 10 working days after receipt of the written complaint, if deemed necessary. The director shall give a written answer to the complainant within 15 working days after receipt of the written complaint.
- Step 3 If the complainant is not satisfied with the answer, an appeal to the public charter school board may be filed within 10 working days after receipt of the Step 2 answer. The Board shall, within 20 working days, conduct a hearing at which the complainant shall be given an opportunity to present the complaint. The Board shall give a written answer to the complainant within 10 working days following completion of the hearing.
- Step 4 If the complainant is not satisfied with the decision of the public charter school board, a complaint may be filed with the Coordination and Review Section, Civil Rights Division, U.S. Department of Justice (student complaints) or the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries (employment complaints).

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



# The Center for Advanced Learning

Code: **BBF**  
Adopted:

## **Public Charter School Board Member Standards of Conduct**

Individual public charter school board members and the Board as a public entity, must comply with the ethics laws for public officials.

Board members will treat other Board members, the director, staff and the public with dignity and courtesy and will provide an opportunity for all parties to be heard with due respect for their opinions.

Board members will recognize the director as the chief executive officer to whom the public charter school Board has delegated administrative authority to establish regulations and oversee the implementation of Board policy.

A public charter school board member has the right to express personal opinions. When expressing such opinions in public, the Board member should clearly identify the opinions as personal.

A Board member will respect the privacy rights of individuals when dealing with confidential information gained through association with the public charter school.

A Board member will keep information discussed in an executive session, confidential.

A Board member will utilize social media websites judiciously by not posting confidential information about students, staff or school business. Board members will treat fellow Board members, staff, students and the public with respect while posting and will adhere to Oregon Public Meetings Laws when communicating with other Board members via websites or other electronic means.

END OF POLICY

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

[ORS 192.630](#)  
[ORS 244.040](#)  
[ORS 244.120](#)  
[ORS 338.115\(2\)](#)

## **Board Member Ethics and Conflicts of Interest**

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

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

### **I. Conflicts of Interest**

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

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

“Relative” means: 1) the Board member’s or candidate’s spouse<sup>1</sup>, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law; 2) the spouse of the Board member’s or candidate’s parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.

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

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

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<sup>1</sup>The term spouse includes domestic partner.

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

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

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

### **Potential Conflict of Interest**

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

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

### **Actual Conflict of Interest**

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

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

### **Class Exception**

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

## **II. Gifts**

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

1. "Relative" means: a) the Board member's or candidate's spouse<sup>1</sup>, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law; b) the spouse of a Board member's or candidate's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.
2. "Member of the household" means any person who resides with the Board member.

### **Determining the Source of Gifts**

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

### **Determining Legislative and Administrative Interest**

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

### **Determining the Value of Gifts**

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

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

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

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

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

#### **Value of Unsolicited Tokens or Awards: Resale value**

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

#### **Entertainment**

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

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

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

## Exceptions

The following are exceptions to the ethics rules on gifts:

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

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal;

7. Food or beverage consumed by Board member acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(6)(b)(I)(i);
8. Waiver or discount of registration expenses or materials provided to Board member at a continuing education event that the Board member may attend to satisfy a professional licensing requirement;
9. A gift received by the Board member as part of the usual or customary practice of the Board member’s private business, employment or position as a volunteer that bears no relationship to the Board member’s holding of public office.

### **Honoraria**

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

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

END OF POLICY

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

[ORS 244.010 to-244.400](#)

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

38 OR. ATTY. GEN. OP. 1995 (1978)

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

## **Board Member Ethics and Nepotism**

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

1. A Board member may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or member of the household, unless the Board member complies with the conflict of interest requirements of ORS Chapter 244;
2. This policy does not apply to decisions regarding unpaid volunteer positions unless it is a Board member position or another Board-related unpaid volunteer position (i.e. a Board committee position);
3. A Board member may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or member of the household. A Board member may still serve as a reference or provide a recommendation.

For the purposes of this policy, a "member of the household" means any person who resides with the Board member and "relative" means:

1. The Board member's spouse<sup>1</sup>, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;
2. The spouse of the Board member's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.

### **Class Exception**

It will not be a conflict of interest if the Board member's action would affect to the same degree a class including the Board member's relative or household member. For example, if a Board member's spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board

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<sup>1</sup>The term spouse includes domestic partner.



member's spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

END OF POLICY

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**Legal Reference(s):**

[ORS 244.010 to-244.400](#)  
[ORS 659A.309](#)

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

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

# The Center for Advanced Learning

Code: **BD/BDA**  
Adopted:

## **Public Charter School Board Meetings/Regular Board Meetings**

“Meeting” means the convening of the Board as the public charter school’s governing body to make a decision or to deliberate toward a decision on any matter. The Board has the authority to act only when a quorum is present at a duly called regular or special meeting. Communications between and among a quorum of members convening on electronically linked personal computers or by telephone conference call are subject to the Public Meetings Law.

### 1. Regular Meetings

All regular and special meetings of the Board will be open to the public except as provided by law. All meetings will be conducted in compliance with state and federal statutes. All Board meetings will be held within public charter school boundaries. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, age or national origin is practiced.

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

No later than the next regular meeting following January 1, the Board will hold an organizational meeting to elect Board officers for the coming year and to establish the year’s schedule of Board meetings.

One regular Board meeting will be held each month except for July and December. The meeting schedule will be established June but may be changed by the Board with proper notice. The purpose of each monthly meeting will be to conduct the regular Board business. The Board chair will conduct the meeting, or in his/her absence, the vice chair will conduct the meeting. If both are absent, the person with the longest period of service on the Board will conduct the meeting.

### 2. Electronic Communication

E-mail to, by, and among Board members, in their capacity as Board members, shall not be used for the purpose of discussing public charter school business. E-mail among Board members shall be limited to: (1) disseminating information, and (2) messages not involving deliberation, debate or decision-making. E-mail may contain:

- a. Agenda item suggestions;
- b. Reminders regarding meeting times, dates and places;
- c. Board meeting agendas or information concerning agenda items;

- d. One-way information from Board members or director to each Board member (e.g., an article on student achievement or to share a report on public charter school progress on goals);
- e. Individual responses to questions posed by community members, subject to other limitations in Board policy.

3. Private or Social Meetings

Private or social meetings of a quorum of the Board for the purpose of making a decision or to deliberate toward a decision on any matter are prohibited by the Public Meetings Law.

4. Adjourned Meetings

A Board meeting may be adjourned to another time if a quorum is not present or if additional business needs to be conducted at the regular time of adjournment. The time, date and place of the adjourned meeting will be specified and appropriate notice given.

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS Chapter 192](#)

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

[ORS 433.835 - 433.875](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

41 OR. ATTY. GEN. OP. 28 (1980)

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).

Americans with Disabilities Act Amendments Act of 2008.

# The Center for Advanced Learning

Code: **BDC**  
Adopted:

## Executive Sessions

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

Executive sessions may be held during regular, special or emergency meetings for any reason permitted by law.

The presiding officer will announce the executive session by identifying the authorization under ORS 192.660 for holding such session and by noting the subject of the executive session. Members of the press may attend executive sessions except those matters pertaining to: deliberations with persons designated by the Board to carry on labor negotiations; hearings on the expulsion of minor students; or examination of the confidential medical records of a student including that student's educational program; and current litigation or litigation likely to be filed if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

An executive session may be convened by the chair or by common consent of the Board for a purpose authorized under ORS 192.660.

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

All executive session minutes shall be kept in written form.

Content discussed in executive sessions is confidential.

END OF POLICY

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### Legal Reference(s):

[ORS 192.610 - 192.710](#)

# The Center for Advanced Learning

Code: **BDDC**  
Adopted:

## **Board Meeting Agenda**

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

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

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

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

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

A copy of the agenda will be posted in the public charter school facility on the day of the meeting.

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

Appropriate auxiliary aids and services may include large print, Braille, audio recordings and readers. Primary consideration will be given to the requests of the person with a disability in the selection of appropriate auxiliary aids and services.

Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, alternate, equally effective communications will be used.

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

END OF POLICY

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**Legal Reference(s):**

[ORS 192.640](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).  
Americans with Disabilities Act Amendments Act of 2008.

THE CENTER FOR ADVANCED LEARNING

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SECTION C: GENERAL ADMINISTRATION

Director. .... [CB](#)

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.

# The Center for Advanced Learning

Code: **CB**  
Adopted:

## Director

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

The director may delegate to other public charter school personnel any powers and duties imposed upon the director by Board policies or by vote of the Board. Delegation of power or duty, however, will not relieve the director of responsibility for action taken under such delegation.

END OF POLICY

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### Legal Reference(s):

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



THE CENTER FOR ADVANCED LEARNING

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Financial Reports and Statements. . . . .	<a href="#">DIC</a>
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Expense Reimbursements. . . . .	<a href="#">DLC</a>
Staff Expense Reimbursement. . . . .	<a href="#">DLC-AR</a>
Disposal of Public Charter School Property. . . . .	<a href="#">DN</a>

The following symbol is used on some policies:

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

# The Center for Advanced Learning

Code: **DB**  
Adopted:

## Public Charter School Budget

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

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

END OF POLICY

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### Legal Reference(s):

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

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

# The Center for Advanced Learning

Code: **DD**  
Adopted:

## Funding Proposals and Applications

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

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

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

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

END OF POLICY

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### Legal Reference(s):

[ORS 294.100](#)  
[ORS 294.305 - 294.565](#)  
[ORS 338.115\(2\)](#)

# The Center for Advanced Learning

Code: **DE**  
Adopted:

## Revenues from Private, State and Federal Sources

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

END OF POLICY

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### Legal Reference(s):

[ORS 294.305 - 294.565](#)

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

# The Center for Advanced Learning

Code: **DFA**  
Adopted:

## Investment of Funds

The public charter school board may authorize the investment or reinvestment of funds which are not immediately needed for operation of the public charter school. Such investments will comply with state law and Oregon Administrative Rules.

The public charter school fiscal agent will develop criteria for the appropriate investments of public charter school funds. A progress report of investments will be made to the public charter school board on a regular basis.

END OF POLICY

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### Legal Reference(s):

[ORS 294.033](#)

[ORS 294.035](#)

[ORS 294.135\(1\)\(a\)](#)

[ORS 294.155](#)

[ORS 338.115](#)

# The Center for Advanced Learning

Code: **DGA**  
Adopted:

## Authorized Signatures

The Board will, at its annual organizational meeting, or at other times deemed necessary by the Board, authorize the public charter school administrator or designee to sign public charter school checks. The Board will authorize the use of facsimile signatures by those persons authorized to sign public charter school checks as per district fiscal agent procedures.

END OF POLICY

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### Legal Reference(s):

[ORS 294.120](#)  
[ORS 328.441](#)  
[ORS 328.445](#)  
[ORS 338.115\(2\)](#)

# The Center for Advanced Learning

Code: **DH**  
Adopted:

## **Bonded Employees and Officers**

All public charter school employees responsible for funds, fees, cash collections or inventory control will be bonded to protect the public charter school against loss in an amount determined by the Board and upon recommendation of the public charter school's agent-of-record. In compliance with Oregon statutes and administrative rules, the director, custodian of funds and other individuals as deemed necessary by the Board, will have fidelity bond coverage or equivalent crime coverage. The public charter school will pay the cost of such coverage.

END OF POLICY

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

[ORS 328.441](#)

[ORS 332.525](#)

[ORS 338.115\(2\)\(13\)](#)

# The Center for Advanced Learning

Code: **DIC**  
Adopted:

## Financial Reports and Statements

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

The Board will receive a preaudit report from the sponsoring district's auditor recapping the year-end closure of financial statements prior to the annual audit.

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

END OF POLICY

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### Legal Reference(s):

[ORS 294.155](#)

[ORS 294.311](#)

[ORS Chapter 297](#)

[ORS 328.465](#)

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

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

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

[OAR 581-023-0037](#)

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



# The Center for Advanced Learning

Code: **DID**  
Adopted:

## Property Inventories

The public charter school will maintain a complete property inventory which lists all public charter school sites, buildings, equipment and supplies with a value greater than \$5,000. This inventory will be updated as necessary. The Board may authorize the employment of an appraisal company to assist with the inventory procedure.

To update these records, the public charter school will keep current records of equipment disposed of and purchased.

END OF POLICY

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### Legal Reference(s):

[ORS 332.155](#)

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

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

# The Center for Advanced Learning

Code: **DLC**  
Adopted:

## Expense Reimbursements

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

END OF POLICY

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### Legal Reference(s):

[ORS 294.155](#)

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

[OAR 581-022-1660](#)

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

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

## Staff Expense Reimbursement

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

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

Out-of-state travel requires prior director approval.

### Insurance Coverage

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

### Meals and Meetings

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

## **Travel Advances**

1. A travel advance may be requested when the estimated cost for meals, lodging, etc., exceeds \$50. The travel advance may be requested by completing the form provided by the public charter school.
2. The cost of commercial travel tickets will not be included in a cash advance request.
3. In the event of loss, the employee is personally responsible for cash advances issued and for any third party use of a public charter school-provided credit card.
4. At least 15 working days are required for processing an advance check after the approved request is received by the public charter school office.
5. Only one cash advance may be outstanding to any employee at any time.

## **Reservations, Commercial Carrier and Lodging**

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

## **Vehicle Rentals**

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

## **Cancelled Trips**

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

## **Personal Travel Combined with Public Charter School Business Travel**

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

## **Expense Reimbursement Request and Accounting Procedures**

1. Reimbursement requests detailing actual expenditures must be submitted on the public charter school's travel expense form and approved by the director in writing. Receipts and supporting documentation must accompany all expense reimbursement requests. This includes, but is not limited to, receipts for transportation, lodging, meals, registration, conference and workshop fees. All requests must be submitted to the public charter school office within 10 working days of the conclusion of the trip.
  - a. If the completed travel expense report totals less than the travel advance, the difference must be returned within 10 working days to the public charter school office with the report.
  - b. Reimbursement for expenditures in excess of a travel advance, or where no travel advance has been requested, will be made within 30 working days after the approved travel expense report is received by the public charter school office.
2. Expenses which consist primarily of the cost of furnishing meals for others will be reimbursed upon submission of a travel expense report which includes:
  - a. The names of guests;
  - b. The organizations involved;
  - c. A full explanation of the public charter school business purpose of the meeting.
3. In the event a vehicle was rented, a copy of the rental agreement must be attached to the travel expense report. The rental charge should be paid from the amount advanced, as applicable. Purchase of gas and oil which have been deducted from the rental charge by the rental agency must be included.
4. Any claim for mileage reimbursement only may be submitted at the end of each month in which reimbursement is to be claimed. A claim must be submitted no later than 90 calendar days of incurring the expense. Reimbursement claims later than 90 calendar days of the expense will be denied.
5. Mileage for approved public charter school business travel in a private vehicle will be reimbursed at the current rate per mile established by the public charter school, collective bargaining agreement or Internal Revenue Service (IRS), as applicable. Reimbursement that exceeds the IRS rate will be included as income to the employee in accordance with IRS regulations.
6. Meal expenses for approved public charter school business travel purposes, may be reportable as income to the employee in accordance with IRS regulations. Generally, meal expenses incurred for approved public charter school business purposes in which public charter school business is conducted with at least one or more other persons, or that is incurred on approved public charter school business for a trip that is overnight, or long enough that the individual needs to stop for sleep or rest to properly perform his/her duties, as defined by the IRS, will not be reportable as income to the employee.
7. In the event the total of the amount charged to, and/or received from the public charter school by the employee as advances, reimbursement or otherwise, exceeds the ordinary and necessary business expenses, the excess must be reported as income in accordance with IRS requirements.

## Reimbursable Expense Limitations

1. Meal expenses may be reimbursed subject to the IRS rates.
2. Gratuities must not exceed 15 percent and must be included as a part of the receipt. Gratuities in excess of 15 percent are the responsibility of the employee and will not be reimbursed by the public charter school.
3. Other expenses such as toll charges, parking fees, valet services, cleaning, pressing and laundry may be reimbursed if length of a trip or circumstances demand.
4. Mileage reimbursement for actual miles traveled on public charter school business, may be approved subject to the following limitations:
  - a. Mileage reimbursement will not be granted to an employee, other than a public charter school-approved tutor, for traveling from his or her residence to the place where work begins for the day or for returning home from the last place worked during the day;
  - b. Reimbursement will be made only for those miles actually traveled in the course of completing approved public charter school business. When chauffeured, mileage for two round trips and short-term parking will be reimbursed if not greater than the cost of one round trip plus economy parking;
  - c. Group travel may be requested on one travel request form for a group traveling together as long as advance and reimbursement is payable to one person who has complete responsibility for reporting expenses;
  - d. In the event a private vehicle is approved for use from home, to or from airport or railroad station, mileage for one round trip and economy parking will be reimbursed. Parking receipts are required;
  - e. Individuals requesting reimbursement for use of a private vehicle on approved district business must meet insurance requirements. See **Insurance Coverage** above.
5. Lodging will be reimbursed at reasonable commercial rates.
6. Local taxi, shuttle, bus fares and vehicle rentals may be reimbursed, subject to the public charter school's requirement that travel selected is by the most expeditious, cost-effective manner, as determined by the public charter school.

### Travel and Expense Reimbursement Report

Name of Claimant: \_\_\_\_\_

Address/City/Zip Code: \_\_\_\_\_

School/Location: \_\_\_\_\_

Period Covered:

From: \_\_\_\_\_ To: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Fund: \_\_\_\_\_ Function: \_\_\_\_\_ Object: \_\_\_\_\_

Date	Travel Destination		Mileage	Auto Expense @ \$.56 per mile	Lodging	Meals	Other/ Miscellaneous Expenses	Total Expenses	Purpose of Expenditure and/or Topic of Meeting <i>(If paid for additional persons, list persons other than self)</i>
	From	To							
<b>Total Expenditures</b>									
<b>I certify that the above claim accurately reflects actual expenses incurred by me in authorized public charter school travel.</b>									
Submitted by:					Advance Funds Used				
Supervisor Approval:					Total Owed Claimant or Due to Public Charter School				

**All receipts must be attached, substantiating request for reimbursement. Form must be completed totally.** If not preprinted on receipt, write names of the restaurant on meal receipts and itemize meals. If more than the IRS rate is expended, please attach an explanation and rationalization. If you paid for persons other than yourself, please list individuals' names and positions (attach additional page, if necessary).



# The Center for Advanced Learning

Code: **DN**  
Adopted:

## Disposal of Public Charter School Property

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

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

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

END OF POLICY

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### Legal Reference(s):

[ORS 279B.055](#)  
[ORS Chapters 279A, 279B and 279C](#)  
[ORS 332.155](#)  
[ORS 338.105\(6\)](#)  
[ORS 338.115\(2\)](#)

THE CENTER FOR ADVANCED LEARNING

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The following symbol is used on some policies:

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

# The Center for Advanced Learning

Code: **EB**  
Adopted:

## Safety Program

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

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

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

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

END OF POLICY

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### Legal Reference(s):

[ORS 329.095](#)  
[ORS 338.115 \(j\)](#)  
[ORS 654.003 to-654.022](#)

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

[OAR 437-002-0140](#)  
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[OAR 437-002-0368](#)  
[OAR 437-002-0377](#)  
[OAR 437-002-0390](#)  
[OAR 437-002-0391](#)  
[OAR 581-022-0606](#)  
[OAR 581-022-1420](#)

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

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

# The Center for Advanced Learning

Code: **EBAC**  
Adopted:

## Safety Committee

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

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

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

END OF POLICY

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### Legal Reference(s):

[ORS 654.176](#)

[ORS 654.182](#)

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

[OAR 437-001-0765](#)

## **Integrated Pest Management**

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

The IPM plan is a proactive strategy that:

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

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<sup>1</sup>See Model Integrated Pest Management Plan for Oregon Schools at [http://www.ipmnet.org/tim/IPM\\_in\\_Schools/Model\\_School\\_IPM\\_Plan\\_Main\\_Page.html](http://www.ipmnet.org/tim/IPM_in_Schools/Model_School_IPM_Plan_Main_Page.html)

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

The public charter school shall designate the Gresham Barlow School District facilities director as the Integrated Pest Management Plan Coordinator give them the authority for overall implementation and evaluation of the IPM plan.

### **Integrated Pest Management Plan Coordinator**

The IPM Plan Coordinator shall:

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

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<sup>2</sup>U.S. Environmental Protection Agency

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

END OF POLICY

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**Legal Reference(s):**

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

# The Center for Advanced Learning

Code: **EBCB**  
Adopted:

## **Emergency Drills**

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

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

Instruction and drills on fires, earthquakes and safety threats for students, shall be conducted for at least 30 minutes each school month. At least two drills on earthquakes and two drills on safety threats shall be conducted each year.

### **Fire Emergencies**

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

### **Earthquake Emergencies**

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 336.071](#)

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

[OAR 581-022-1420](#)

# The Center for Advanced Learning

Code: **EDC/KGF**  
Adopted:

## **Authorized Use of Public Charter School Equipment and Materials**

Public charter school materials and equipment will be used only for school purposes by public charter school personnel on public charter 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

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

[ORS Chapter 244](#)  
[ORS 338.115\(2\)](#)

[OAR 584-020-0040](#)

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

THE CENTER FOR ADVANCED LEARNING

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The following symbol is used on some policies:

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

# The Center for Advanced Learning

Code: **GBA**  
Adopted:

## **Equal Employment Opportunity** (Required if public charter school is the employer)

Equal employment opportunity and treatment shall be practiced by the public charter school regardless of race, color, religion, sex, sexual orientation<sup>1</sup>, national origin, marital status, age, veterans' status<sup>2</sup>, genetic information and disability if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

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

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

END OF POLICY

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

<a href="#">ORS 174.100</a>	<a href="#">ORS 659A.006</a>	<a href="#">OAR 581-021-0045</a>
<a href="#">ORS 192.630</a>	<a href="#">ORS 659A.009</a>	<a href="#">OAR 581-022-1720</a>
<a href="#">ORS 243.672</a>	<a href="#">ORS 659A.029</a>	<a href="#">OAR 839-003-0000</a>
<a href="#">ORS 326.051</a>	<a href="#">ORS 659A.030</a>	<a href="#">OAR 839-006-0435</a>
<a href="#">ORS 332.505</a>	<a href="#">ORS 659A.109</a>	<a href="#">OAR 839-006-0440</a>
<a href="#">ORS 338.115</a>	<a href="#">ORS 659A.142</a>	<a href="#">OAR 839-006-0445</a>
<a href="#">ORS 342.934</a>	<a href="#">ORS 659A.145</a>	<a href="#">OAR 839-006-0450</a>
<a href="#">ORS 408.225</a>	<a href="#">ORS 659A.233</a>	<a href="#">OAR 839-006-0455</a>
<a href="#">ORS 408.230</a>	<a href="#">ORS 659A.236</a>	<a href="#">OAR 839-006-0460</a>
<a href="#">ORS 408.235</a>	<a href="#">ORS 659A.309</a>	<a href="#">OAR 839-006-0465</a>
<a href="#">ORS 659.850</a>	<a href="#">ORS 659A.321</a>	
<a href="#">ORS 659.870</a>	<a href="#">ORS 659A.409</a>	
<a href="#">ORS 659A.003</a>	<a href="#">ORS 659A.805</a>	

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

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

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

# The Center for Advanced Learning

Code: **GBC**  
Adopted:

## Staff Ethics

### I. Conflict of Interest

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

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

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

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

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

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

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

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

1. The employee's spouse<sup>1</sup>, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;
2. The spouse of the employee's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.

## II. Gifts

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

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

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

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<sup>1</sup>The term spouse includes domestic partner.

2. “Relative” means:
  - a. The employee’s spouse<sup>1</sup>, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;
  - b. The spouse of the employee’s parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.
3. “Member of the household” means any person who resides with the employee.

### **Determining the Source of Gifts**

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

### **Determining Legislative and Administrative Interest**

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

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

### **Determining the Value of Gifts**

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

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

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

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



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

### **Value of Unsolicited Tokens or Awards: Resale value**

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

### **Entertainment**

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

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

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

### **Exceptions**

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

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

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

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

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

### **Honoraria**

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

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

END OF POLICY

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

[ORS 244.010 to-244.400](#)

[ORS 659A.309](#)

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

[ORS 332.016](#)

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

# The Center for Advanced Learning

Code: **GBEBA**  
Adopted:

## Staff - HIV, AIDS and HBV

The public charter school will strictly adhere in its policies and procedures, to the Oregon Revised Statutes and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS or HBV<sup>1</sup>.

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

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

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

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

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

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

END OF POLICY

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### Legal Reference(s):

[ORS 243.650](#)

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

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

[ORS 433.008](#)

[ORS 433.045](#)

[ORS 433.260](#)

[OAR 333-012-0270](#)

[OAR 333-017-0000](#)

[OAR 333-018-0000](#)

[OAR 333-018-0005](#)

[OAR 581-022-0705](#)

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<sup>1</sup>HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus

## **Drug-Free Workplace**

(Required if public charter school is their own fiscal agent for federal grant funds)

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

### 1. Definitions

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

### 2. Purpose

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

### 3. Applicability

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

### 4. Prohibitions

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

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

6. Compliance with Policy<sup>1</sup>

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

7. Sanctions and Remedies<sup>1</sup>

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

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

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

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

9. Employee Assistance Program

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

10. Leave for Participation in Abuse Assistance or Rehabilitation Program

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

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<sup>1</sup>Public charter schools directly receiving grants or contracts of \$100,000 or more from the federal government are required to meet this obligation.

11. Establishment of Drug-Free Awareness Program

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

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

12. Notification by Employee of Conviction<sup>2</sup>

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

13. Notification by The Center for Advanced Learning of Employee Conviction

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

14. Provision of Copy of Policy to Employees

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

END OF POLICY

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**Legal Reference(s):**

[ORS 243.650](#)

[ORS 336.222](#)

[ORS 338.115](#)

[ORS Chapter 475](#)

[ORS 657.176](#)

[ORS 809.260](#)

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

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

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

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

CR3/01/10 | PH

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

## **Tobacco-Free Environment**

It is the public charter school's obligation to protect the health, welfare and safety of students. In light of scientific evidence that the use of tobacco is hazardous to health, and to be consistent with public charter school's curriculum and Oregon law, student possession, use, distribution or sale of tobacco in any form on public charter school's premises, at public charter school-sponsored activities, on or off public charter school's premises, in public charter school-owned, rented or leased vehicles or otherwise, while the student is under the jurisdiction of the public charter school is prohibited at all times.

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

Tobacco use, distribution or sale by staff and all others is also prohibited on public charter school premises in any building, facility, or vehicle owned, leased, rented or chartered by the public charter school and at all public charter school-sponsored activities at all times.

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 336.222](#)

[ORS 336.227](#)

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

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 433.835 - 433.990](#)

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

[OAR 581-022-0413](#)

[OAR 581-021-0110](#)

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

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

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

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

[OAR 581-053-0630](#)

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

## **Sexual Harassment**

(Required if employer is the public charter school)

The public charter school board is committed to the elimination of sexual harassment in public charter schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff or third parties by other students, staff, public charter board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school's control at interschool athletic competitions or other public charter school events. "Public charter school" includes public charter school facilities, public charter school premises and nonpublic charter school property if the student or employee is at any public charter school-sponsored, public charter school-approved or public charter school-related activity or function, such as field trips or athletic events where students are under the control of the public charter school or where the employee is engaged in public charter school business. The prohibition also includes off duty conduct which is incompatible with public charter school job responsibilities.

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

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

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

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee or third party who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report his/her concerns to the public charter school director who has overall responsibility for all investigations. A student may also report concerns to a teacher, counselor or school nurse, who will promptly notify the public charter school director. The student and the student's parents or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

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

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

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

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

The public charter school director will establish a process of reporting incidents of sexual harassment.

END OF POLICY

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**Legal Reference(s):**

[ORS 243.706](#)  
[ORS 338.115](#)  
[ORS 342.700](#)  
[ORS 342.704](#)  
[ORS 342.708](#)  
[ORS 342.850](#)

[ORS 342.865](#)  
[ORS 659.850](#)  
[ORS 659A.006](#)  
[ORS 659A.029](#)  
[ORS 659A.030](#)

[OAR 581-021-0038](#)  
[OAR 584-020-0040](#)  
[OAR 584-020-0041](#)

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

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

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

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

## **Sexual Harassment Complaint Procedure**

(Required if the employer is the public charter school)

The public charter school director has responsibility for investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

- Step 1 Any sexual harassment information (complaints, rumors, etc.) shall be presented to the public charter school director. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates. If the director is the subject of the complaint, the complaint will be submitted to the public charter school board.
- Step 2 The public charter school official receiving the information or complaint shall promptly initiate an investigation. He/She will arrange such meetings as may be necessary to discuss the issue with all concerned parties within 10 working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The public charter school official(s) conducting the investigation shall notify the complainant in writing when the investigation is concluded. The parties will have an opportunity to submit evidence and a list of witnesses.
- Step 3 If a complainant is not satisfied with the decision at Step 2, he or she may submit a written appeal to the public charter school board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The public charter school board shall, within 30 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The public charter school board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

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

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

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

days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, Community Human Services, as possible child abuse. In the event the public charter school director is the subject of the investigation, reports, when required, shall be made by the public charter school board chair.

**The Center for Advanced Learning**  
**SEXUAL HARASSMENT COMPLAINT FORM**

Name of complainant: \_\_\_\_\_

Position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged harasser: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

Description of misconduct: \_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

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

Any other information: \_\_\_\_\_

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

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

Date: \_\_\_\_\_

**The Center for Advanced Learning**  
**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: \_\_\_\_\_



# The Center for Advanced Learning

Code: **GBNA**  
Adopted:

## **Hazing/Harassment/Intimidation/Menacing/Cyberbullying – Staff**

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

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

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

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

END OF POLICY

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

[ORS 163.190](#)

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

[ORS 166.065](#)

[ORS 166.155 to -166.165](#)

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

[ORS 659A.030](#)

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

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

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

**Definitions**

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school control at interschool and intraschool athletic competitions or other public charter school events.
2. “Public charter school” includes public charter school facilities, public charter school premises and nonschool property if the employee is at any public charter school-sponsored, public charter school-approved or public charter school-related activity or function, such as field trips, athletic events or where the employee is engaged in public charter school business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any public charter school-sponsored work activity, work group or work assignment, (i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student/staff); requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article; assignment of pranks to be performed or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, disability, marital status, sex or sexual orientation.
5. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin or sexual orientation.

6. “Cyberbullying” means the use of any electronic communication device to convey a message in any form (text, image, audio or video) that intimidates, harasses or otherwise harms, insults or humiliates another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity.
7. “Menacing” includes, but is not limited to, any act intended to place a public charter school employee, student or third party in fear of imminent serious physical injury.

### **Retaliation/False Charges**

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

### **Complaint Procedures**

The public charter school director have responsibility for investigations concerning hazing, harassment, intimidation, acts of cyberbullying or menacing. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any employee who has knowledge of conduct in violation of Board policy JFCF – Hazing/Harassment/Intimidation/Menacing/Bullying/Cyberbullying/Teen Dating Violence – Student shall immediately report his or her concerns to the designated public charter school official.

Any employee or third party who has knowledge of conduct in violation of this policy or feels he or she has been hazed, harassed, intimidated, menaced or cyberbullied in violation of this policy shall immediately report his/her concerns to the designated public charter school official.

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

- Step 1 Any hazing, harassment, intimidation, menacing or acts of cyberbullying information (complaints, rumors, etc.) shall be presented to public charter school director. Information may be presented anonymously. Complaints against the public charter school director shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The public charter school official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The public charter school official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The public charter school official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

Step 3 If the complainant is not satisfied with the decision at Step 2, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

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

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

# The Center for Advanced Learning

Code: **GCBDA/GDBDA**  
Adopted:

## **Family Medical Leave**

An employee must be employed by the public charter school on the date family leave begins.

In order to be eligible for family leave, an employee must work an average of 25 hours per week and have been employed at least 180 days prior to the first day of the family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

The administrator will develop administrative regulations as necessary for the implementation of the provisions of this policy.

END OF POLICY

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

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

## Family Medical Leave

### Coverage

This policy covers a public charter school that employs 25 or more part-time or full-time employees for each working day during 20 or more calendar workweeks in the calendar year in which the leave is to be taken or in the calendar year immediately preceding the year in which the leave is to be taken.

### Eligibility

An employee is eligible for leave when the employee employed by the public charter school on the date the leave begins. This policy applies to employees who work an average of 25 hours or more per week for the public charter school during the 180 days or more immediately prior to the first day of the start of the requested leave. Military Family Leave applies to employees who work an average of at least 20 hours per week. For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

In determining that an employee has been employed for the preceding 180 calendar days, the employer must count the number of days an employee is maintained on the payroll, including all time paid or unpaid. If an employee continues to be employed by a successor in interest to the original employer, the number of days worked are counted as continuous employment by a single employer.

In determining 25 hours average workweek, the employer must count the actual hours worked using guidelines set out pursuant to the Fair Labor Standards Act.

### Definitions

“Child,” for the purpose of taking parental and sick child leave, means a biological, grandchild (for serious health conditions only), adopted or foster child, or stepchild of the employee, for whom the employee has parental rights and duties as defined by law or a child with whom the employee is or was in a relationship of “in loco parentis.” A legal or biological relationship is not required. The child must be under 18 years of age or may be 18 years of age or older if incapable of self-care due to mental or physical impairment as defined by ORS 659A.122. For purposes of sick child leave only, child also includes child of employee’s same-gender domestic partner.

“Family member,” means the spouse; child of the employee (biological, adopted, foster or step child, a legal ward, or child of the employee standing in loco parentis); custodial parent; noncustodial parent; biological parent; adoptive parent; step or foster parent; individual who was in loco parentis to the employee when the employee was a child; same-gender domestic partner; child of same-gender domestic partner; grandparent; grandchild; parent-in-law; or parent of same-gender domestic partner. For purposes

of a serious health condition, an employee's child in any of these categories may be either a minor or an adult child at the time serious health condition leave is taken.

"Next of kin" means the nearest blood relative of the eligible employee.

A "serious health condition" means an illness, injury, impairment or physical or mental condition of an employee or family member that:

1. Requires inpatient care in a hospital, hospice or residential medical care facility such as a nursing home. When a family member resides in a long-term residential care facility, leave shall apply only to:
  - a. Transition periods spent moving the family member from one home or facility to another, including time to make arrangements for such transitions;
  - b. Transportation or other assistance required for a family member to obtain care from a physician;
  - c. Serious health conditions as described in this regulation.
2. The treating health care provider judges to pose an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;
3. Requires constant or continuing care such as home care administered by a health care professional;
4. Involves a period of incapacity. "Incapacity" is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition. This incapacity must involve:
  - a. Two or more treatments by a health care provider;
  - b. One treatment plus a regimen of continuing care; or
  - c. Any period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time and may cause episodic rather than a continuing period of incapacity such as asthma, diabetes or epilepsy.
5. Involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke or terminal stages of a disease;
6. Involves multiple treatments for restorative surgery or for a condition such as chemotherapy for cancer, physical therapy for arthritis or dialysis for kidney disease that if not treated would likely result in incapacity of more than three days; or
7. Involves any period of disability of a female due to pregnancy or childbirth or period of absence for prenatal care.

## **Purpose of Leave**

The public charter school allows eligible employees to take leave for the following purposes commonly referred to as parental leave, serious health condition leave, pregnancy disability leave, military leave, leave for the death of a family member and sick child leave:

1. Birth of the employee's child (eligibility expires 12 months after the birth);
2. Placement of a child for adoption or foster care when the child is under 18 or older than 18 years of age if incapable of self-care (eligibility expires 12 months after placement);
3. Care of a family member with a serious health condition;
4. Employee's own serious health condition;
5. Care of a sick or injured child who requires home care but is not suffering from a serious health condition. An employer is not required to grant leave for routine medical or dental appointments;
6. Military Family Leave allows leave for a spouse of a military personnel per each deployment of the spouse when the spouse has either been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment;
7. Death of a family member leave allows for attending the funeral, or alternative to a funeral, of a family member; making arrangements necessitated by the death of a family member; or grieving the death of a family member<sup>1</sup>.

## **Length of Leave**

An employee eligible for leave is entitled to a total of 12 workweeks of leave during any 12-month period for the purposes specified above. The 14 days of military family leave and the two weeks of leave provided for the death of a family member are part of the 12 weeks. Two family members who are eligible and who both work for the public charter school may not take leave at the same time unless:

1. One employee needs to care for another employee, who is a family member, and who is suffering from a serious health condition;
2. One employee needs to care for a child suffering from a serious health condition while another employee, who is a family member, is also suffering from a serious health condition;
3. Both family members are suffering from a serious health condition;
4. The employees are taking leave for the death of a family member; or
5. The concurrent leave in such instances is permitted by the public charter school.

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<sup>1</sup>Must be completed within 60 days of the date on which the eligible employee receives notice of the death of a family member.



In addition to the 12 workweeks of family leave authorized above, an eligible female employee may take an additional 12 workweeks of leave within any one-year period for an illness, injury or condition related to pregnancy or childbirth that disables the employee from performing her work duties. An employee who takes 12 workweeks of leave for parental leave may also take up to an additional 12 workweeks of sick child leave within the same leave year. If the employee uses less than 12 weeks of parental leave, however, no additional sick child leave is available, except for the balance of the initial 12 weeks. The employee may also use this balance for any leave purpose.

A female employee may take up to 36 weeks of leave in one leave year, but only under the following circumstances:

1. The female employee takes 12 weeks of pregnancy disability leave; followed by
2. Twelve weeks of parental leave; followed by
3. Twelve weeks of sick child leave.

A male employee may take up to 24 weeks of leave in one year, but only under the following circumstances:

1. The male employee takes 12 weeks of parental leave; followed by
2. Twelve weeks of sick child leave.

Parental leave must be taken in one uninterrupted period – unless the employer approves otherwise – and must be completed within 12 months of the birth, adoption or placement of the child. An exception must be made to allow parental leave to effectuate adoption or foster placement of the child. Such leave need not be taken in one, uninterrupted period with any additional parental leave.

The birth, adoption or foster placement of multiple children at one time entitles the employee to take only one 12-week period of parental leave.

Sick child leave need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

For the purpose of intermittent leave, leave entitlement is calculated for an employee by multiplying the number of hours the employee normally works per week by 12. (For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.) If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek. (For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours leave.) If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

An eligible employee, who has previously qualified for and taken some portion of leave, may request additional leave within the same leave year. The employee may requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:

1. A female employee who has taken 12 weeks of pregnancy-disability leave need not requalify for 12 weeks in the same leave year for any other purpose;
2. An employee who has taken 12 weeks of parental leave does not need to requalify to take an additional 12 weeks in the same leave year for sick child leave; and
3. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason.

For situations where leave is taken for a sick child or for serious health condition of a same-gender domestic partner, parent-in-law or parent of the same-gender domestic partner, grandparent or grandchild) the employer:

1. May allow an exempt employee with accrued paid leave to take leave in one-hour blocks or less than a full day. For these purposes, an exempt employee is a salaried executive, administrative or professional employee under the federal Fair Labor Standards Act or the state minimum wage and overtime laws;
2. May not reduce the salary of an employee who does not have or has run out of accrued paid leave and takes intermittent leave in blocks of less than a full day. To do so would result in the loss of exemption under state law.

### **Intermittent Leave and Alternate Duty**

An employer may transfer an employee on intermittent leave or a reduced work schedule into an alternate position with the same or different duties to accommodate the leave, provided the following exist:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;
3. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
4. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.

An employee transferred, as provided in 1.-4. above, to an alternate position for the purpose of a reduced work schedule, must be returned to the employee's former position.

Leave time for an employee on intermittent leave or a reduced work schedule is the difference between the number of hours the employee normally works and the number of hours the employee actually works

during the intermittent leave or reduced work schedule. Holidays or days in which the employer's business is not in operation are not counted toward intermittent or reduced work schedule leave, unless the employee was scheduled or expected to work on the holiday.

An employer may transfer an employee recovering from a serious health condition to an alternate position that accommodates the serious health condition provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is not used to discourage the employee from taking leave for a serious health condition, or to create a hardship for the employee.

An employee is not on leave if the employee has been transferred, as provided in section 1.-3. above, to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's own serious health condition, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position unless all leave taken in that leave year plus the period of time worked in the alternate position exceed 12 weeks.

An alternate position accommodating an employee's serious health condition may result in the employee working fewer hours than the employee worked in the original position. The employee's leave is the difference between the number of hours the employee worked in the original position and the number of hours the employee actually works in the alternate position.

Intermittent leave for teachers is subject to special rules.

### **Special Rules for Teachers**

Special rules apply if leave is requested to be taken near the end of a semester.

1. If a teacher requests, in advance, leave for a serious health condition and the teacher will be absent more than 20 percent of the time the employer may require the teacher to elect one of the following options:
  - a. To take leave for one uninterrupted period of time as necessary to complete medical treatment. (School holidays and school vacation days are not counted as family leave.);
  - b. To transfer temporarily into an available alternative position which better accommodates periodic absences.
2. If a teacher begins leave more than five weeks before the end of the academic term because of the teacher's own serious health condition, the employer may require the teacher to remain on leave until the end of the term if:
  - a. The leave is at least three weeks long; and
  - b. The teacher's return to work would occur within three weeks of the end of the term.

3. If a teacher begins leave within five weeks of the end of the academic term for parental leave or the serious health condition of a family member, the employer may require the teacher to remain on leave through the end of the term if:
  - a. The leave is at least two weeks long; and
  - b. The teacher's return would occur within the last two weeks of the term.
4. If a teacher begins leave within three weeks of the end of the academic term for parental leave or to care for a family member with a serious health condition and the leave is greater than five working days, the employer may require the teacher to remain on family leave until the end of the term.
5. If a teacher takes leave to the end of the school year and continues the leave at the beginning of the next school term, the leave is consecutive rather than intermittent leave.
  - a. The period between the end of the school term and the beginning of the next school term, when a teacher would not have been required to report for duty, is not counted against the teacher's leave entitlement.
  - b. A teacher on leave at the end of the school term must be provided with the same benefits during the period between school terms that the teacher would normally receive if no leave were taken.
6. If a teacher is required by the employer to remain on leave to the end of the academic term, only the period of leave the teacher requested shall be charged against the teacher's leave entitlement.
7. Nothing in prohibits the employer from allowing the teacher to work as a substitute or in some other paid capacity during the weeks prior to the end of term under 3. or 4. above.
8. Full-time employees who have been maintained on the payroll by a public charter school during 180 consecutive calendar days, are thereafter deemed to have been employed by that public charter school for an average of at least 25 hours per week during the 180 days immediately preceding the date leave begins.

### **Calculating the 12-Month Period for Leave**

The public charter school will use the same method for calculating the 12-month period in which the 12 workweek leave entitlement occurs for all employees. The public charter school will use a "rolling" 12-month period measured backward from the date the employee uses any family and medical leave.

### **Paid/Unpaid Leave**

Family leave is generally unpaid. The public charter school requires the employee to use any accrued sick leave, vacation or personal leave days (or other paid time established by Board policy(ies) in the order specified by the public charter school and before taking leave without pay for the leave period.

The public charter school will notify the employee if the requested leave has been granted and, if required by the public charter school, that accrued paid leave shall be used during the leave period. Such notification will be given to the employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave.

### **Continuation of Health Insurance Benefits**

Benefits are not required to continue or accrue unless required by Board policy(ies) related to paid and unpaid leaves.

An employer electing to continue health or other insurance coverage for an employee on leave may require that the employee pay only the same share of health or other insurance premium during the leave that the employee paid prior to the leave. If an employee cannot or will not pay such costs, the employer may elect to discontinue benefit coverage, unless to do so would render the employer unable to restore the employee to full benefit coverage as required by law. If an employer pays any portion of any employee's benefit coverage for employees on leave, the employer must pay that portion during leave.

If an employee gives unequivocal notice of intent not to return to work from leave, the employee is entitled to complete the approved leave, providing that the original need for leave still exists. The employer's obligations to restore benefits (subject to COBRA requirements) and to restore the employee to his/her position at the end of the leave – cease and the employer is not required to hold a position vacant or available for the employee giving unequivocal notice of intent not to return.

In the event the public charter school is required to pay or elects to pay any part of the costs of providing health, disability, life or other insurance coverage for an employee during the period of leave that should have been paid by the employee, the public charter school may deduct, on the employee's return to work, such amounts from the employee's pay as have been advanced.

In no event may the total deducted exceed 10 percent of the employee's gross pay each pay period.

### **Return to Work**

After leave, an employee is generally entitled to be returned to the same position the employee held when leave commenced or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

If the leave was required for the employee's own serious health condition, the public charter school may require the employee to obtain and present certification from the health care provider that the employee is able to resume work. The employer is responsible for any co-pay or other out-of-pocket costs incurred by the employee in providing certification.

Special rules for teachers will apply if leave is requested to be taken near the end of a semester.

## **Application**

An employee requesting leave shall provide at least 30 days notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start, duration and reasons for the requested leave. The employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the public charter school.

When an employee is able to give advance notice and requests leave, an employer may request additional information to determine that the leave qualifies for leave. The employer may designate the employee as provisionally on leave until sufficient information is received to make a determination. An employee able to give advance notice of the need to take leave must follow the employer's known, reasonable and customary procedures for requesting any kind of leave.

An employee eligible for leave is required, to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the public charter school during that period of time.

In either case, proper documentation must be submitted no later than three working days following the employee's return to work.

Failure of an employee to provide the required notice for leave may result in the public charter school deducting up to three weeks from the employee's unused leave in that one-year leave period.

The employee may be subject to disciplinary action for not following the public charter school's notice procedure.

## **Medical Certification**

When an employee gives 30 days notice for leave, other than for parental leave, the employer may require the employee to provide medical documentation when appropriate to support the request for the leave need before the leave starts. The public charter school will provide written notification to employees of this requirement within three working days of employee's request for leave. If the employee's need for leave precludes giving 30 days notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the public charter school's notification that medical certification is required.

If an employee requests leave because of a serious health condition, the public charter school may require a second opinion and designate the health care provider. The provider may not be employed by the public charter school. Should the two opinions conflict, the public charter school may require a third opinion and that the two providers designate the third health care provider. The third opinion will be final. Second and third opinions and the actual travel expenses for the employee to obtain such opinions will be paid for by the public charter school.

An employer may not delay the taking of leave in the event that medical certification is not received prior to the commencement of a leave taken subject to the timelines set forth in this regulation. The employer may designate the leave as provisionally approved subject to medical certification. The employer shall provide the employee with written notice of any requirement to provide medical certification of the need

for leave and the consequences for failure to do so. The employee must be allowed a minimum of 15 days to provide medical certification.

If the employee elects or the public charter school requires substitution of accrued sick leave, vacation or other paid leave for unpaid leave pursuant to other Board policy, the public charter school will follow the medical documentation requirements of the applicable leave policy or contract provision whenever such requirements are more beneficial to the employee.

If the leave is for the purpose of an employee's own serious health condition, he/she must also provide a fitness-for-duty medical release from the health care provider before returning to work.

If an employee has taken sick child leave on all or any part of three separate days during a leave year, the employer may require medical certification on the fourth day or subsequent occurrence of sick child leave within that leave year. The employer must pay the cost of the medical certification not covered by insurance or other benefit plan. The opinion of the health care provider shall be binding. The employer may not require the employee to obtain a second opinion. The employer is not required to request medical certification for sick child leave exceeding three days and may make such requests at the employer's discretion.

### **Record Keeping/Posted Notice**

The public charter school will maintain all records including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

# The Center for Advanced Learning

Code: GCBDA/GDBDA-AR(2)  
Revised/Reviewed:

## Request for Family, Military or Medical Leave

PLEASE PRINT

Where the need for the leave may be anticipated, written request leave must be made, if practical, at least 30 days prior to the date the requested leave is to begin. Failure to provide timely notice could result in the public charter school reducing the available leave by up to three weeks.

Name \_\_\_\_\_ Effective Date of the Leave \_\_\_\_\_

Department \_\_\_\_\_ Title \_\_\_\_\_

Status:  Full-time  Part-time  Temporary Hire Date \_\_\_\_\_ Length of Service \_\_\_\_\_

I request leave for one or more of the following reasons:<sup>1</sup>

1.  Because of the birth of my child and in order to care for him or her.

Expected date of birth \_\_\_\_\_ Actual date of birth \_\_\_\_\_  
Leave to start \_\_\_\_\_ Expected return date \_\_\_\_\_

2.  Because of the placement of a child with me for adoption or foster care.

Age of child \_\_\_\_\_ Date of placement \_\_\_\_\_  
Leave to start \_\_\_\_\_ Expected return date \_\_\_\_\_

3.  In order to care for a family member<sup>2</sup> with a serious health condition.

Leave to start \_\_\_\_\_ Expected return date \_\_\_\_\_

Please check one:  spouse,  same-gender domestic partner,  parent,  child,  child of same-gender domestic partner,  parent,  parent-in-law,  parent of employee's same-gender domestic partner,  custodial parent,  noncustodial parent,  adoptive parent,  foster parent,  grandparent or grandchild

Please state name and address of relation:

Name \_\_\_\_\_ Address \_\_\_\_\_

Describe serious health condition \_\_\_\_\_

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<sup>1</sup>A physician's certification may be required to support a request for leave. In addition, a fitness-for-duty certification may be required before reinstatement following the leave.

<sup>2</sup>"Family member""Family member," means the spouse; child of the employee (biological, adopted, foster or step child, a legal ward, or child of the employee standing in loco parentis); custodial parent; noncustodial parent; biological parent; adoptive parent; step or foster parent; individual who was in loco parentis to the employee when the employee was a child; same-gender domestic partner; child of same-gender domestic partner; grandparent; grandchild; parent-in-law; or parent of same-gender domestic partner.



4.  For a serious health condition which prevents me from performing my job functions.

Describe \_\_\_\_\_

Leave to start \_\_\_\_\_ Expected return date \_\_\_\_\_

Regarding 3. or 4. above, request intermittent (reduced workday hours) or reduced leave (fewer workdays each workweek) schedule or alternate duty (if applicable, subject to employer's approval). Please describe schedule of when you anticipate you will be unavailable to work: \_\_\_\_\_

5.  In order to care for a child with a condition requiring home care which does not meet the definition of serious health condition and is not life threatening or terminal.  Yes  No

Have you taken leave in the past 12 months?  Yes  No

If yes, how many workdays? \_\_\_\_\_

6.  Leave for the spouse of a military personnel when they have been notified of an impending call to active duty, ordered to active duty, or has been deployed or on leave from deployment.

7.  For the death of a family member.

I understand that the public charter school requires me to use any accrued sick leave, vacation, personal leave days or other paid time established by Board policy(ies) in the order specified by the public charter school, and before taking leave without pay, for the leave period.

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the public charter school may terminate my employment.

I authorize the public charter school to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave.

I have been provided a copy of the public charter school's leave policy with this leave request form.

Signature of Employee: _____	Date: _____
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### Sample Letter to Employee

*The following is a sample cover letter to an employee notifying the employee that the employer is treating a request for leave as a request for leave (either paid or unpaid) that will reduce the employee's leave entitlement. This letter should be mailed to the employee within two working days after the employee's request for the leave along with the leave notice form.*

Dear Employee:

On \_\_\_\_ (date) \_\_\_\_ you advised the public charter school that you were requesting a leave. Under our policy, leaves of absence that qualify for family and medical leave run concurrently with other types of leave such as sick leave, death of a family member leave, vacation leave and short-term disability leave. This leave cannot run concurrently with workers' compensatory leave.

We understand the purpose of your requested leave qualifies as family medical leave under policy. Accordingly, this letter is to notify you that the leave will be counted against your annual leave entitlement. Also attached is a form entitled Notice to Employee which contains other information for you regarding family medical leave.

Sincerely,

Administrator

Enclosure (Notice to Employee form)

# The Center for Advanced Learning

Code: GCBDA/GDBDA-AR(4)  
Revised/Reviewed:

## Eligibility Notice to Employee

Date \_\_\_\_\_

TO: \_\_\_\_\_  
(Employee's name)

FROM: \_\_\_\_\_  
(Name of appropriate employer representative)

SUBJECT: Request for Leave

On     (date)     you notified us of your need to take family or medical leave due to:

1.      The birth of your child, or the placement of a child with you for adoption or foster care;
2.      A serious health condition that makes you unable to perform the essential functions of your job;
3.      A serious health condition of your  spouse,  same-gender domestic partner,  child (including the biological, grandchild, adopted or foster child, child of same-gender domestic partner or stepchild of an employee or a child with whom the employee is or was in a relationship of "in loco parentis"),  parent (biological parent of an employee or an individual who stood "in loco parentis" to an employee when the employee was a child),  grandparent,  parent-in-law,  parents of same-gender domestic partner,  custodial parent,  noncustodial parent,  adoptive parent,  foster parent for which you are needed to provide care;
4.      An illness or injury to your child which requires home care but is not a serious health condition.
5.      Your spouse has been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment.
6.      For the death of a family member.

You notified us that you need this leave beginning on     (date)     and that you expect leave to continue until on or about     (date)    .

Except as explained below, you have up to 12 workweeks of unpaid leave in a 12-month period for the reasons listed above.

Public charter school policy states you must be reinstated to the same or in some cases, to an equivalent job with the same pay, benefits and terms and conditions of employment on your return from leave. The public charter school is not required to maintain benefits during leave unless provided otherwise by Board policy; however, all such benefits will be restored in full upon your return to the public charter school.

If you do not return to work following leave for a reason other than: (1) the continuation, recurrence or onset of a serious health condition which would entitle you to leave; or (2) other circumstances beyond your control, you may be required to reimburse the public charter school for health insurance premiums paid on your behalf during your leave.

This is to inform you that (*check appropriate boxes, explain where indicated*):

1. You are  eligible  not eligible for leave.
2. The requested leave  will  will not be counted against your annual leave entitlement.
3. You  will  will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by     (date)     (must be at least 15 days after you are notified of this requirement).
4. You may elect to substitute accrued paid leave for unpaid leave. We  will  will not require that you substitute accrued paid leave for unpaid leave. If paid leave will be used the following conditions will apply: (*Explain*)
  - 5a. The public charter school is not required to maintain benefits while an employee is on leave unless otherwise provided for by Board policy; however, all benefits must be restored in full upon the employee's return to work.
  - 5b. If you choose to pay the premiums for your health insurance, these payments will continue during the period of leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows: (*Set forth dates, e.g., the 10th of each month, or pay periods, etc. that specifically cover the agreement with the employee.*)
  - 5c. If the public charter school pays any part of your share of health or other insurance benefits while on leave the public charter school may deduct up to 10 percent of your gross pay each pay period after your return to work until the amount is repaid.
  - 5d. You have a minimum 30-day (*or, indicate longer period, if applicable*) grace period in which to make premium payments. If payment is not timely made, your group health insurance may be cancelled, **provided** we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during leave as

provided by Board policy, and recover these payments from you upon your return to work. We  will  will not pay your share of health insurance premiums while you are on leave.

- 5e. We  will  will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on leave. If we do pay your premiums for other benefits, when you return from leave you  will  will not be expected to reimburse us for the payments made on your behalf.
- 5f. In the event you do not return to work for the public charter school after your leave and the public charter school has paid your share of benefit premiums, you are responsible for reimbursing the public charter school the amount paid on your behalf.
6. You  will  will not be required to present a fitness-for-duty certificate prior to being restored to employment following leave for your own serious health condition. If such certification is required but not received, your return to work may be delayed until the certification is provided.
7. While on leave, you  will  will not be required to furnish us with periodic reports every (*indicate interval of periodic reports, as appropriate for the particular leave situation*) of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on this form, you  will  will not be required to notify us at least two workdays prior to the date you intend to report for work.
8. You are notified that all leave taken for the purposes of the death of a family member, counts toward the total period of authorized family leave.

**Medical Certification**

(To be completed by health care provider)

Certification of Health Care Provider

1. Employee's Name \_\_\_\_\_
2. Patient's Name (if different from employee) \_\_\_\_\_
3. Does the patient's condition qualify as a serious health condition under any of the categories listed on Attachment A?  Yes  No  
  
If yes, please check the applicable category:  1  2  3  4  5  6  7
4. Provide a brief statement as to how the medical facts meet the criteria of the category you checked above. \_\_\_\_\_  
\_\_\_\_\_
5. What is the common name of the medical condition (e.g., cancer, diabetes, stroke, etc.) \_\_\_\_\_
6. State the approximate date the condition commenced, \_\_\_\_\_  
and the probable date employee will be able to return to work \_\_\_\_\_
7. Will it be necessary for the employee to work only intermittently or to work on a less than full schedule as a result of the condition?  Yes  No  
  
If yes, give the probable duration: \_\_\_\_\_
8. If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments.  
  
If the patient will miss work intermittently, please indicate dates and intervals of treatment, length of treatment, frequency of treatment, recovery time from treatment.  
  
If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatments and the provider if known.
9. If the condition is a chronic condition, or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity: \_\_\_\_\_  
\_\_\_\_\_

10. If a regimen of continuing treatment by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment).

11. Is leave required to care for a family member with a serious health condition?  
 Yes    No

If the family member will need care only intermittently or on a part-time basis, please indicate the probable duration of this need.

12. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation?  
 Yes    No

If yes, briefly describe assistance required \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Health care provider

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

**To be completed by the employee needing family leave to care for a family member:**

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule.

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

\_\_\_\_\_  
Date

## ATTACHMENT A

A “serious health condition” means: an illness, injury, impairment or physical or mental condition of an employee or family member that:

1. Requires inpatient care in a hospital, hospice or residential medical care facility such as a nursing home. When a family member resides in a long-term residential care facility, leave shall apply only to:
  - a. Transition periods spent moving the family member from one home or facility to another, including time to make arrangements for such transitions;
  - b. Transportation or other assistance required for a family member to obtain care from physician;
  - c. Serious health conditions as described in this regulation.
2. The treating health care provider judges to pose an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;
3. Requires constant or continuing care such as home care administered by a health care professional;
4. Involves a period of incapacity. Incapacity is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition. This incapacity must involve:
  - a. Two or more treatments by a health care provider;
  - b. One treatment plus a regimen of continuing care; or
  - c. Any period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time and may cause episodic rather than a continuing period of incapacity such as asthma, diabetes or epilepsy.
5. Involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer’s disease, a severe stroke or terminal stages of a disease;
6. Involves multiple treatments for restorative surgery or for a condition such as chemotherapy for cancer, physical therapy for arthritis or dialysis for kidney disease that if not treated would likely result in incapacity of more than three days; or
7. Involves any period of disability of a female due to pregnancy or childbirth or period of absence for prenatal care.



## Oregon Military Family Leave

### Section 1: To be completed by the public charter school:

The Oregon Military Family Leave Act provides that a district may require an employee seeking Oregon Military Family due to notification of impending call to active duty or deployment to submit a notification of the intention to take leave within five business days of receiving official notice.

Public charter school: \_\_\_\_\_

[Administrator or designee] information: \_\_\_\_\_

### Section 2: To be completed by the employee:

Complete the information below fully and completely. The Oregon Military Family Leave Act permits the public charter school to require that you submit a timely, complete and sufficient notification for Oregon Military Family Leave Act due to notification of impending call to active duty or deployment. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as "lifetime," "unknown" or "indeterminate" may not be sufficient to determine military family leave coverage. Your response is required to obtain a benefit. While you are not required to provide this information, failure to do so may result in a denial of your request for qualifying leave. The public charter school must give you at least 15 calendar days to return this form to the public charter school.

Employee's name: \_\_\_\_\_  
First Middle Last

Name of covered military member on active duty, called to active duty status or deployed:

\_\_\_\_\_  
First Middle Last

Relationship of covered military member to you: \_\_\_\_\_

Period of covered military member's impending call to active duty or deployment: \_\_\_\_\_

Documentation to support a request for Oregon Military Family leave includes written documentation confirming a covered military member's active duty, call to active duty or deployment status. Please check one of the following:

- A copy of the covered military member's active duty orders is attached.
- Other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty) in support of a contingency operation is attached.
- I have previously provided the district with sufficient written documentation confirming the covered military member's active duty or call to active duty status in support of a contingency operation.

**Part A: Qualifying reason for leave**

1. Describe the reason you are requesting Oregon Military Family Leave:

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2. Documentation to support a request for Oregon Military Family leave includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for information briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs. Available written documentation supporting this request for leave is attached.

Yes  No  None available

**Part B: Amount of leave needed**

1. Approximate date active duty/deployment commenced \_\_\_\_\_

Probably duration: \_\_\_\_\_

2. Will you need to be absent from work for a single continuous period of time due to the active duty/deployment?  Yes  No

If yes, estimate the beginning and ending dates for the period of absence \_\_\_\_\_

3. Will you need to be absent from work periodically to address this active duty/deployment?

Yes  No

If yes, estimate the schedule of leave, including the dates of any scheduled meetings or appointments:

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**Part D: Employee Signature**

I certify that the information I provided above is true and correct. For Oregon Military Family Leave purposes notice must be given by the employee within five business days of receiving official notice.

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

\_\_\_\_\_  
Date

### Designation Notice

Leave covered under the public charter school must be designated as approved leave and the public charter school must inform the employee of the amount of leave that will be counted against the employee's leave entitlement.

In order to determine whether leave is covered, the public charter school may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient.

Employee \_\_\_\_\_

Date \_\_\_\_\_

We have reviewed your request for leave and any supporting documentation that you have provided. We received your most recent information on \_\_\_\_\_ and decided: \_\_\_\_\_

Your request is approved. All leave taken for this reason will be designated as leave.

The leave requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your entitlement:

Provided there is no deviation from your anticipated leave schedule, the following number of hours, days or weeks will be counted against your leave entitlement:

\_\_\_\_\_

Because the leave you will need will be rescheduled, it is not possible to provide the hours, days or weeks that will be counted against your entitlement at this time. You have the right request this information once in a 30-day period (if leave was taken in the 30 day period).

Please be advised (check if applicable):

You have requested to use paid leave during your leave. Any paid leave taken for this reason will count against your leave entitlement.

We are requiring you to substitute or use paid leave during your leave.

- You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position  is  is not attached. If attached, the fitness-for-duty certifications must address your ability to perform these functions.
- 

- Additional information is needed to determine if your leave request can be approved.
  - The certification you have provided is not complete and sufficient to determine whether the your leave request applies to your leave procedures. You must provide the following information no later than \_\_\_\_\_ (at least 15 calendar days), unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied. The information needed to make the certification complete and sufficient is:
- 
- 

- We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

\*\*\*\*\*

- Your leave request is NOT APPROVED.
- The leave request does not meet the requirements of this policy.
- You have exhausted your leave entitlement in the applicable 12-month period.

**Domestic Violence/Harassment/Sexual Assault/Stalking Leave**

(This policy only applies if the public charter school is the employer and has six or more employees.)

**Definitions**

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

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

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

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

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

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

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

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

Sufficient certification includes:

1. A copy of a police report indicating the employee or child/dependent was a victim of domestic violence, harassment, sexual assault or stalking;
2. A copy of a protective order or other evidence from a court, administrative agency or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault or stalking;

3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, members of the clergy or victim services provider that the employee/child/dependent was undergoing counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault or stalking.

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

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

END OF POLICY

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**Legal Reference(s):**

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

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

## **Criminal Records Checks/Fingerprinting**

In a continuing effort to further ensure the safety and welfare of students and staff, the public charter school shall require criminal records checks and fingerprinting of all full-time and part-time employees. Others having direct, unsupervised contact with students shall also have criminal records checks and fingerprinting, as required by law.

“Direct, unsupervised contact” means contact with students that provides the person opportunity and probability for personal communication or touch.

In addition to the employees, such checks shall be required of the following:

1. All public charter school contractors and/or their employees, whether employed part-time or full-time;
2. All contractors and/or their employees who provide early childhood special education or early intervention services in accordance with rules established by the Employment Department;
3. Any community college faculty member providing instruction at the site of an early childhood education program or at a school site as part of an early childhood education program.

An individual who has failed to disclose the presence of criminal convictions, that would not otherwise prevent his or her employment with the public charter school as provided by law, may be employed or contracted with, by the public charter school. The public charter school’s use of criminal history must be relevant to the specific requirements of the position, services or employment.

The public charter school shall not begin the employment of an individual, volunteer service or terms of a public charter school contractor on a probationary basis, pending the return and disposition of criminal records checks and/or fingerprinting.

The public charter school director shall develop administrative regulations as necessary to meet the requirements of law.

END OF POLICY

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**Legal Reference(s):**

[ORS 181.555](#)

[ORS 326.603](#)

[ORS 326.607](#)

[ORS 336.631](#)

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

[ORS 342.127](#)

[ORS 342.143](#)

[ORS 342.223 to -342.232](#)

[OAR 414-061-0010](#)

[OAR 581-021-0500](#)

[OAR 581-022-1730](#)

[OAR 584-036-0062](#)

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

## Criminal Records Checks/Fingerprinting

### Subject Requirements

1. An individual who is an employee of a public charter school shall be required to undergo a nationwide criminal records check and fingerprinting.
2. Any individual newly hired and not requiring licensure as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a nationwide criminal records check and fingerprinting.
3. Individuals applying for reinstatement of a license that has lapsed for more than three years shall be required to undergo such checks.

Requirements, including applicable fees and the process for the collection and submission of fingerprints, etc., will generally be met by the individual as a part of the licensing process and in accordance with rules established by the Teacher Standards and Practices Commission (TSPC).

4. Any individual registering with TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to undergo a nationwide criminal records check and fingerprinting with TSPC.
5. Any public charter school contractor, whether part-time or full-time, or an employee of a public charter school contractor, whether part-time or full-time, hired into a position having direct, unsupervised contact with students shall be required to undergo a nationwide criminal records check and fingerprinting.

The public charter school director will identify contractors subject to such requirements.

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

An exception will be made to criminal records checks and fingerprinting if the public charter school has on file evidence from a previous employer documenting a successfully completed Oregon and FBI criminal records check. Evidence will be either a copy of the records check or a written statement of verification from a supervisor or officer of the previous employer. Furthermore:

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

### **Notification**

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

### **Processing/Reporting Procedures**

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

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

3. The individual is responsible for obtaining a fingerprint card from an Oregon district, public charter school, education service district, an Oregon-approved teacher education institution, ODE or TSPC.
4. The individual is responsible for submitting to the authorized fingerprinter fingerprint card and an 8 1/2" x 11" or larger envelope with postage affixed and addressed to the public charter school.

5. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the public charter school will provide the name of the individual to be fingerprinted to the authorized fingerprinter and require that the individual submit a photo ID (driver's license or other) containing the individual's name and picture in order to verify the identity of the individual intended to be fingerprinted.
6. The authorized fingerprinter will return the fingerprint card to the public charter school in the envelope provided. The Fingerprint Criminal History Verification form and fingerprint card will be sent to the ODE. A copy of the form will be kept in the employee's personnel file.

### **Fees**

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

### **Termination of Employment or Withdrawal of Employment/Contract Offer**

1. Any individual required to submit to criminal records checks and/or fingerprinting in accordance with law and/or Board policy will be terminated from consideration as a public charter school volunteer and employment or contract status or withdrawal of offer of employment or contract will be made by the public charter school director immediately upon:
  - a. Refusal to consent to a criminal records check and/or fingerprinting; or
  - b. Notification by the Superintendent of Public Instruction or his/her designee or the State Board of Education that the employee has made a false statement as to conviction of a crime or conviction of crimes prohibiting employment with the public charter school as specified in law.
2. Employment termination shall remove the individual from any public charter school policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

### **Appeals**

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

THE CENTER FOR ADVANCED LEARNING

TABLE OF CONTENTS

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    Education Records/Records of Students with Disabilities Management..... [IGBAB/JO-AR](#)

Electronic Communications System. .... [IIBGA](#)

Graduation Requirements. .... [IKF](#)  
    Graduation Requirements. .... [IKF-AR](#)

The following symbol is used on some policies:

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

# The Center for Advanced Learning

Code: **IGAEB**  
Adopted:

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

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

Given the extensive use and the formal and informal promotion of drug, alcohol and tobacco use in society, the school has an obligation to provide education that emphasizes prevention, to describe intervention and referral procedures, and to outline consequences. The public charter school will provide planned staff development and public information programs. The public charter school will access the drug-free school moneys and other moneys available for drug-free school efforts.

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

### **Drug Prevention Program**

A curriculum for students 11-12 will be integrated in the health education curriculum and will be consistent with the State Board of Education adopted Health Education Academic Content Standards. For students not enrolled in health education, the public charter school director will ensure a program of activities which reflects current research and meets the requirements of the public charter school's prevention and intervention program.

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

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

The program shall include training for staff and a compilation of information on school and community resources and procedures for responding to drug-related medical emergencies. Parents, students and staff shall receive annually in handbooks information and detailed procedures regarding the public charter school's intervention/referral program.

Each year students and parents shall receive a code of conduct explaining expected behaviors and related consequences for violations of the conduct code which may include discipline up to and including expulsion. Students violating the code of conduct prohibiting possessing, selling and/or using unlawful

drugs or alcohol may be subject to an assessment and, if appropriate, referred to law enforcement officials. When considering disciplinary action for a child with disabilities, the public charter school must follow the requirements of Board policy JGDA/JGEA – Discipline of Students with Disabilities including those involving functional behavioral assessment, change or placement, manifestation determination and an interim alternative educational setting.

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

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

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

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

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

34 C.F.R. §§ 300.108.

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

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

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

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

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

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

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

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



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

1. Inspect and review the student's records;
2. Request the amendment of the student's educational records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the student educational record rules authorize disclosure without consent. (See Board policy JOB – Personally Identifiable Information);
4. File with the U.S. Department of Education a complaint concerning alleged failures by the public charter school to comply with the requirements of the Family Educational Rights and Privacy Act; and
5. Obtain a copy of the public charter school's education records policy.

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

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

[ORS 338.115\(a\)](#)  
[ORS 339.270](#)  
[ORS 343.177\(3\)](#)

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

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

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

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

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

### 1. Student Education Record

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

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

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

- a. Name and address of educational agency or institution;
- b. Full legal name of the student;

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

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

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

## 2. Confidentiality of Student Records

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

## 3. Rights of Parents and Eligible Students

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

- a. Inspect and review the student's education records;
- b. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
- c. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;

- d. Pursuant to OAR 581-021-0410, file with the Family Policy Compliance Office, United States Department of Education a complaint under 34 C.F.R. § 99.64 concerning alleged failures by the public charter school to comply with the requirements of federal law; and
- e. Obtain a copy of the public charter school policy with regard to student education records.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Students' education records will be maintained at the public charter school building at which the student is in attendance except for special education records which may be located at another designated location within the public charter school or the district<sup>1</sup>. The director 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 public charter school or district who have a legitimate educational interest.

As used in this section, "legitimate educational interest" means a public charter school or district<sup>1</sup> official employed by the public charter school or district<sup>1</sup> as an administrator, supervisor, instructor or staff support member; a person serving on a public charter school or district<sup>1</sup> board; a person or company with whom the public charter school or district<sup>1</sup> has contracted to perform a special task; or a parent or student serving on a special committee such as a disciplinary or grievance committee, or assisting another public charter school or district<sup>1</sup> official in performing his or her tasks needed to review an educational record in order to fulfill his or her professional responsibility (definition from FERPA).

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<sup>1</sup>"District," for the purpose of this policy, means the district in which the public charter school is located.

The public charter school shall maintain, for public inspection, a listing of the names and positions of individuals within the public charter school or district<sup>1</sup> who have access to personally identifiable information with respect to students with disabilities.

- b. The disclosure is to officials of another school within the district<sup>1</sup>;
- c. The disclosure is to authorized representatives of:

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

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

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

- e. The disclosure is to organizations conducting studies for, or on behalf of, the district to:
  - (1) Develop, validate or administer predictive tests;
  - (2) Administer student aid programs; or
  - (3) Improve instruction.
- f. The public charter school may disclose information under this section only if disclosure is to an official listed in paragraph (c) above and who enters into a written agreement with the district that:
  - (1) Specifies the purpose, scope and duration of the study and the information to be disclosed;
  - (2) Limits the organization to using the personally identifiable information only for the purpose of the study;
  - (3) The study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization; and
  - (4) The information is destroyed when no longer needed for the purposes for which the study was conducted.

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

The district may disclose information under this section only if the disclosure is to an official listed in paragraph (c) above who is conducting an audit related to the enforcement of or

compliance with federal or state legal requirements and who enters into a written agreement with the district that:

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

As used in this section a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of abuse of a child or neglect pursuant to applicable state law.

- l. The disclosure is information the district has designated as "directory information" (See Board policy JOA – Directory Information);
- m. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;
- n. The disclosure is to officials of another school, school system, institution of postsecondary education, an education service district (ESD), state regional program or other educational agency that has requested the records and in which the student seeks or intends to enroll or is enrolled or in which the student receives services. The term "receives services" includes, but

is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability;

- o. The disclosure is to the Board during an executive session pursuant to ORS 332.061.

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

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

## 6. Record-Keeping Requirements

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

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

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

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

## 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 director where the record is maintained to amend the record.

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

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

- a. The director 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 public charter school staff and the eligible student or student's parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or public charter school or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student's parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or contested portion is maintained and exists. The panel shall make a determination after hearing the evidence and make its recommendation in writing within 10 working days following the close of the hearing. The panel will make a determination based solely on the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision. The findings of the panel shall be rendered in writing not more than 10 working days following the close of the hearing and submitted to all parties.

If, as a result of the hearing, the panel decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the eligible student or the student's parent(s) of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of the panel. If a statement is placed in an education record, the public charter school will ensure that the statement:

- a. Is maintained as part of the student's records as long as the record or contested portion is maintained by the public charter school or the district<sup>1</sup>; and

- b. Is disclosed by the public charter school to any party to whom the student's records or the contested portion are disclosed.

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

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

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

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

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

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

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

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

## **Disclosure Statement**

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

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

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

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

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

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

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

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

## **Electronic Communications System**

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

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

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

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

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

[ORS 167.080](#)  
[ORS 167.087](#)  
[ORS 167.090](#)  
[ORS 167.095](#)  
[ORS Chapter 192](#)  
[ORS 336.222](#)  
[ORS 338.115\(a\)](#)

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

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

# The Center for Advanced Learning

Code: **IKF**  
Adopted:

## Graduation Requirements

The public charter school board will establish graduation requirements for the awarding of a high school diploma, a modified diploma, an extended diploma and an alternative certificate which meet or exceed state requirements. A student may satisfy graduation requirements in less than four years. The public charter school will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if they are 18 years of age or older or emancipated.

The public charter school will ensure that students have onsite access to the appropriate resources to achieve a diploma, a modified diploma, an extended diploma or an alternative certificate at each high school.

The public charter school will provide age appropriate and developmentally appropriate literacy instruction to all students until graduation.

### Essential Skills

The public charter school will allow English Language Learner (ELL) students to demonstrate proficiency in Essential Skills of Apply Mathematics, in a variety of settings, in the student's language of origin for those students who by the end of their 11th grade year are:

1. On track to meet all other graduation requirements; and
2. Unable to demonstrate proficiency in the Essential Skills in English.

The public charter school will allow ELL students to demonstrate proficiency in Essential Skills other than Apply Mathematics, in a variety of settings, in the student's language of origin for those students who by the end of their 11th grade year:

1. Are on track to meet all other graduation requirements;
2. Are unable to demonstrate proficiency in the Essential Skills in English;
3. Have been enrolled in a U.S. school for five years or less; and
4. Receives at least a level 3 (Intermediate) on the English Language Proficiency Assessment (ELPA).

The public charter school will develop procedures to provide assessment options as described in the *Test Administration Manual*, in the ELL student's language of origin for those ELL students who meet the criteria above, and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

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

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

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

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

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

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

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

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

Eligible students with disabilities are entitled to a Free Appropriate Public Education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternate certificate or completion of a General Education Development document. The continuance of services for students with

disabilities for a modified diploma, an extended diploma or an alternative certificate is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

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

The public charter school will issue a high school diploma, upon request, to a person who served in the Armed Forces<sup>1</sup>, as specified in Oregon law, if the person was discharged or released under honorable conditions and has received either a General Educational Development, a post-secondary degree or has received a minimum score on the Armed Services Vocational Aptitude Battery.

END OF POLICY

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**Legal Reference(s):**

<a href="#">ORS 329.095</a>	<a href="#">OAR 581-022-0615</a>	<a href="#">OAR 581-022-1134</a>
<a href="#">ORS 329.451</a>	<a href="#">OAR 581-022-0617</a>	<a href="#">OAR 581-022-1135</a>
<a href="#">ORS 332.114</a>	<a href="#">OAR 581-022-1130</a>	<a href="#">OAR 581-022-1210</a>
<a href="#">ORS 338.115(11)</a>	<a href="#">OAR 581-022-1131</a>	<a href="#">OAR 581-022-1215</a>
<a href="#">ORS 339.115</a>	<a href="#">OAR 581-022-1133</a>	<a href="#">OAR 581-022-1350</a>
<a href="#">ORS 343.295</a>		

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

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<sup>1</sup>The policy applies to any person who:

1. Served in the Armed Forces of the U.S. at any time during:
  - a. World War I;
  - b. World War II;
  - c. The Korean Conflict; or
  - d. The Vietnam War;
2. Served in the Armed Forces of the U.S. and was physically present in:
  - a. Operation Urgent Fury (Grenada);
  - b. Operation Just Cause (Panama);
  - c. Operation Desert Shield/Desert Storm (Persian Gulf War);
  - d. Operation Restore Hope (Somalia);
  - e. Operation Enduring Freedom (Afghanistan); or
  - f. Operation Iraqi Freedom (Iraq);
3. Served in the Armed Forces of the U.S. in an area designated as a combat zone by the President of the U.S.



# The Center for Advanced Learning

Code: **IKF-AR**

Adopted:

## Graduation Requirements

### Diploma

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

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

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

### Modified Diploma

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

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

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

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

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

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

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

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

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

## **Extended Diploma**

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

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

## **Alternative Certificates**

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

THE CENTER FOR ADVANCED LEARNING

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The following symbol is used on some policies:

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

# The Center for Advanced Learning

Code: **JB**  
Adopted:

## Equal Educational Opportunity

Every student of the public charter school will be given equal educational opportunities regardless of age, sex, sexual orientation<sup>1</sup>, race, religion, color, national origin, disability and marital status.

A public charter school may not limit student admission based on ethnicity, national origin, race, religion, disability, gender, income level, proficiency in English language or athletic ability, but may limit admission to students within a given age group or grade level.

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

The public charter school director will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX. The Title IX coordinator will investigate complaints communicated to the public charter school alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The public charter school board will adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints under Title IX.

END OF POLICY

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### Legal Reference(s):

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

[ORS 336.086](#)  
[ORS 338.125\(3\)](#)  
[ORS 342.123](#)  
[ORS 659.850\(1\)](#)  
[ORS Chapter 659](#)

[ORS Chapter 659A](#)  
[OAR 581-021-0045](#)  
[OAR 581-021-0046](#)  
[OAR 581-022-1140](#)

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

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

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

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

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

Americans with Disabilities Act Amendments Act of 2008.

R3/01/10 | PH

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

### **Sexual Harassment**

(Required if employer is the public charter school)

The public charter school board is committed to the elimination of sexual harassment in public charter schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff or third parties by other students, staff, public charter board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school's control at interschool athletic competitions or other public charter school events. "Public charter school" includes public charter school facilities, public charter school premises and nonpublic charter school property if the student or employee is at any public charter school-sponsored, public charter school-approved or public charter school-related activity or function, such as field trips or athletic events where students are under the control of the public charter school or where the employee is engaged in public charter school business. The prohibition also includes off duty conduct which is incompatible with public charter school job responsibilities.

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

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

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

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee or third party who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report his/her concerns to the public charter school director who has overall responsibility for all investigations. A student may also report concerns to a teacher, counselor or school nurse, who will promptly notify the public charter school director. The student and the student's parents or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

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

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

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

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

The public charter school director will establish a process of reporting incidents of sexual harassment.

END OF POLICY

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**Legal Reference(s):**

[ORS 243.706](#)  
[ORS 338.115](#)  
[ORS 342.700](#)  
[ORS 342.704](#)  
[ORS 342.708](#)  
[ORS 342.850](#)

[ORS 342.865](#)  
[ORS 659.850](#)  
[ORS 659A.006](#)  
[ORS 659A.029](#)  
[ORS 659A.030](#)

[OAR 581-021-0038](#)  
[OAR 584-020-0040](#)  
[OAR 584-020-0041](#)

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

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

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

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

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

## **Sexual Harassment Complaint Procedure**

(Required if the employer is the public charter school)

The public charter school director has responsibility for investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

- Step 1 Any sexual harassment information (complaints, rumors, etc.) shall be presented to the public charter school director. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates. If the director is the subject of the complaint, the complaint will be submitted to the public charter school board.
- Step 2 The public charter school official receiving the information or complaint shall promptly initiate an investigation. He/She will arrange such meetings as may be necessary to discuss the issue with all concerned parties within 10 working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The public charter school official(s) conducting the investigation shall notify the complainant in writing when the investigation is concluded. The parties will have an opportunity to submit evidence and a list of witnesses.
- Step 3 If a complainant is not satisfied with the decision at Step 2, he or she may submit a written appeal to the public charter school board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The public charter school board shall, within 30 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The public charter school board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

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

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

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

days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, Community Human Services, as possible child abuse. In the event the public charter school director is the subject of the investigation, reports, when required, shall be made by the public charter school board chair.

**The Center for Advanced Learning**  
**SEXUAL HARASSMENT COMPLAINT FORM**

Name of complainant: \_\_\_\_\_

Position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged harasser: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

Description of misconduct: \_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

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

Any other information: \_\_\_\_\_

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

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

Date: \_\_\_\_\_

**The Center for Advanced Learning**  
**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: \_\_\_\_\_

### **Section 504 – Students**

The public charter school recognizes its responsibility to provide a free, appropriate public education to students with disabilities under Section 504 of the Rehabilitation Act of 1973. Accordingly, no otherwise qualified individual with disabilities shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public charter school program or activity or those provided by the public charter school through contractual or other arrangements. Public charter school aids, benefits and services will afford qualified students with disabilities equal opportunity to obtain the same result, gain the same benefit or reach the same level of achievement as students without disabilities in the most integrated setting appropriate to the student's needs. Programs and activities shall be accessible to and usable by individuals with disabilities as prescribed by law.

A qualified individual with disabilities under Section 504 is an individual who has a physical or mental impairment<sup>1</sup> that substantially limits one or more major life activities<sup>2</sup>; has a record of such an impairment; or is regarded as having such an impairment.

In compliance with the provisions of Section 504, the public charter school will:

1. Provide written assurance of nondiscrimination in accordance with application procedures whenever the public charter school receives federal money;
2. Designate an employee to coordinate compliance with Section 504;
3. Provide procedures to resolve complaints of discrimination under Section 504;
4. Provide notice to students, parents, employees, including those with vision or hearing impairments, of the public charter school's policy and compliance with law assuring nondiscrimination in admission or access to, or treatment, in public charter school programs, activities or employment. Notice will be included in student/parent and staff handbooks and other materials as appropriate;

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<sup>1</sup>Impairments which may substantially limit major life activities, and without regard for the ameliorative effects of medication or aids/devices include, but are not limited to, chronic asthma and severe allergies, blindness or visual impairment, cancer, diabetes, deafness or hearing impairment, heart disease, mental illness and conditions which may be episodic or in remission.

<sup>2</sup>“Major life activities,” as defined by the Americans with Disabilities Act Amendments Act of 2008, include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating; and major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

5. Annually identify and locate all Section 504 qualified students with disabilities in the public charter school who are not receiving a free appropriate<sup>3</sup>, public education;
6. Ensure that tests and other evaluation materials have been validated, are administered by trained personnel, are tailored to assess educational need and are not based on IQ scores, and reflect what the tests purport to measure.
7. Provide nonacademic and extracurricular services<sup>4</sup> and activities in such a manner as to afford students with disabilities an equal opportunity for participation in such services and activities;
8. Annually notify students with disabilities and their parents or guardians of the public charter school's responsibilities under Section 504, including those with limited proficiency in English and those with vision or hearing impairments;
9. Provide parents or guardians with procedural safeguards, including notification of their right:
  - a. To be notified in writing of any decisions made by the public charter school concerning the identification, evaluation or educational placement of their student pursuant to Section 504. The public charter school will request parental consent prior to conducting an evaluation of the student;
  - b. To examine, copy and request amendments of the student's educational records;
  - c. To request an impartial hearing, with opportunity for participation by the student's parents or guardian and representation by counsel regarding public charter school decisions concerning identification, evaluation or educational placement of their student. A review procedure will be provided.

Students identified as qualified individuals with disabilities under Section 504 shall be placed in the regular educational environment unless it is demonstrated by the public charter school that the education of the student with the use of related aids and services in such a placement cannot be achieved satisfactorily. All placement decisions will be made by an evaluation team comprised of persons designated by the director, knowledgeable about the student, the meaning of the evaluation data and placement options.

Students will be reevaluated periodically, but no less than every three years. Additionally, before implementing discipline that constitutes a significant change in the placement (i.e., expulsion, serial suspensions which exceed 10 school days in a school year, a series of suspensions each of which is 10 or fewer school days in duration but that creates a pattern of exclusion), the public charter school shall conduct a reevaluation of the student to determine whether the misconduct in question is caused by the student's disability and, if so, whether the student's current educational placement is appropriate.

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<sup>3</sup>"Appropriate education" means the provision of regular or special education and related aids and services that are designed to meet the student's individual educational needs as adequately as the needs of persons without disabilities are met and are based upon adherence to appropriate procedural requirements of 34 C.F.R. §§ 104.34 - 104.36 concerning educational setting, evaluation and placement and procedural safeguards.

<sup>4</sup>Nonacademic and extracurricular services and activities may include, but are not limited to, counseling services, transportation, health services, athletics, intramurals, clubs or organization activities, referrals to agencies which provide assistance to persons with disabilities and employment of students, including both employment by the public charter school and assistance by the public charter school in making available outside employment.

If it is determined that the misconduct of the student is caused by the disability, the district's team, in which the public charter school is located, will continue the evaluation following the requirements of Section 504 and the Americans with Disabilities Act of 1990, and Americans with Disabilities Act Amendments Act of 2008 (ADA) for evaluation and placement to determine whether the student's current educational placement is appropriate. Due process procedures that meet the requirements of the IDEA may be used to meet the procedural safeguards of law. If it is determined that the misconduct is not caused by the student's disability, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities.

A student identified as a qualified individual with disabilities under Section 504, who is also covered by the Individuals with Disabilities Education Act, will be disciplined in accordance with Board policy JGDA/JGEA - Discipline of Students with Disabilities and accompanying administrative regulation.

A reevaluation will also be required before any other significant change in placement (i.e., transferring a student to alternative education, graduation from high school, significantly changing the composition of the student's class schedule, such as from regular education to the resource room, etc.).

END OF POLICY

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**Legal Reference(s):**

<a href="#">ORS 192.630</a>	<a href="#">OAR 581-015-0054</a>
<a href="#">ORS 326.051(1)(e)</a>	<a href="#">OAR 581-021-0045</a>
<a href="#">ORS 338.115(a)</a>	<a href="#">OAR 581-021-0046</a>
<a href="#">ORS 659.850</a>	<a href="#">OAR 581-021-0049</a>
<a href="#">ORS 659.865</a>	<a href="#">OAR 581-022-1140</a>
<a href="#">ORS 659A.103</a>	
<a href="#">ORS 659A.109</a>	

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).  
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2006).  
Americans with Disabilities Amendments Act of 2008.



# The Center for Advanced Learning

Code: **JED**  
Adopted:

## Student Absences and Excuses\*\*

It is the student's responsibility to maintain regular attendance in all assigned classes. Absence from school or class will be excused under the following circumstances:

1. Illness of the student;
2. Illness of an immediate family member when the student's presence at home is necessary;
3. Emergency situations that require the student's absence;
4. Field trips and school-approved activities;
5. Medical (dental) appointments. Confirmation of appointments may be required;
6. Other reasons deemed appropriate by the public charter school director when satisfactory arrangements have been made in advance of the absence.

The public charter school shall notify parents/guardians by the end of the school day if their child has an unplanned absence. The notification will be either in person, by telephone or another method identified in writing by the parent/guardian. If the parent/guardian cannot be notified by the above methods, a message shall be left, if possible.

Additionally, the public charter school director will develop procedures whereby those students who are considered truant may be subject to the following penalties: detention, suspension, expulsion and/or ineligibility to participate in athletics or other activities.

END OF POLICY

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### Legal Reference(s):

[ORS 109.056](#)  
[ORS 338.115\(2\)](#)  
[ORS 339.030](#)  
[ORS 339.055](#)

[ORS 339.065](#)  
[ORS 339.071](#)  
[ORS 339.420](#)

[OAR 581-021-0046](#)  
[OAR 581-021-0050](#)  
[OAR 581-023-0006\(11\)](#)

# The Center for Advanced Learning

Code: **JF/JFA**  
Adopted:

## Student Rights and Responsibilities\*\*

The public charter school board has the responsibility to afford students the rights that are theirs by virtue of guarantees offered under federal and state constitutions and statutes. In connection with rights are responsibilities that must be assumed by students.

Among these student rights and responsibilities are the following:

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

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

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

END OF POLICY

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### Legal Reference(s):

[ORS 332.061](#)

[ORS 332.072](#)

[ORS 337.150](#)

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

[ORS 339.155](#)

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 659.850](#)

[ORS 659.865](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)

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

[OAR 581-022-1140](#)

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

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

R1/16/14 | PH

# The Center for Advanced Learning

Code: **JFC**  
Adopted:

## Student Conduct\*\*

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

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

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

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

The public charter school will annually record and report expulsion data for conduct violations to their sponsoring district as required by the Oregon Department of Education.

END OF POLICY

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### Legal Reference(s):

[ORS 338.115\(1\)\(a\)](#)  
[ORS 339.240](#)

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

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

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

R1/16/14 | PH

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

The Board, in its commitment to providing a positive and productive learning environment, will consult with parents/guardians, employees, volunteers, students, administrators and community representatives in developing this policy compliance with applicable Oregon Revised Statutes. Hazing, harassment, intimidation or bullying, menacing and acts of cyberbullying by students, staff and third parties toward students is strictly prohibited. Teen dating violence is unacceptable behavior and prohibited. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

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

The director is responsible for ensuring that this policy is implemented.

**Definitions**

“Public charter school” includes public charter school facilities, public charter school premises and non-public charter school property if the student is at any public charter school-sponsored, public charter school-approved or public charter school-related activity or function, such as field trips or athletic events where students are under the control of the public charter school.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school control at inter-public charter school and intra-public charter school athletic competitions or other school events.

“Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any public charter school-sponsored activity or grade level attainment, (i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the

mental or physical health or safety of a student); requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article; assignment of pranks to be performed or other such activities intended to degrade or humiliate. It is not a defense against hazing that the student subjected to hazing consented to or appeared to consent to the hazing.

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

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
3. Creating a hostile educational environment including interfering with the psychological well being of the student.

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

“Teen dating violence” means:

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

“Cyberbullying” is the use of any electronic communication device to harass, intimidate or bully.

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

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

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

## **Reporting**

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

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

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

Complaints against the director shall be filed with the Board chair.

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

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 163.190](#)  
[ORS 166.065](#)  
[ORS 166.155 - 166.165](#)  
[ORS 174.100\(6\)](#)  
[ORS 332.072](#)

[ORS 339.240](#)  
[ORS 339.250](#)  
[ORS 339.254](#)  
[ORS 339.351 - 339.364](#)

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

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

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

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

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

- Step 1 Any hazing, harassment, intimidation or bullying, menacing, acts of cyberbullying and incidents of teen dating violence information (complaints, rumors, etc.) shall be presented to the director. Complaints against the director shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The public charter school official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The public charter school official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The public charter school official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- Step 3 If the complainant is not satisfied with the decision at Step 2, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

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

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

R5/23/12|PH



# The Center for Advanced Learning

Code: **JFCG/JFCH/JFCI**

Adopted:

## **Use of Tobacco, Alcohol or Drugs\*\***

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

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

Clothing, bags, hats and other personal items used to display, promote or advertise tobacco, alcohol or unlawful drugs are prohibited on public charter school grounds, at public charter school-sponsored activities and in public charter school vehicles.

Any person under age 18 possessing a tobacco product commits a Class D violation and is subject to a court-imposed fine, as provided by ORS 167.400.

Any person who distributes, sells or causes to be sold, tobacco in any form or a tobacco-burning device, to a person under 18 years of age commits a Class A violation and is subject to a court-imposed fine, as provided by ORS 163.575.

An unlawful drug is any drug as defined by the Controlled Substances Act including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). As used in this policy, an unlawful drug also means possession, use, sale or supply of prescription and nonprescription drugs in violation of Board policy JHCD - Administering Noninjectable Medicines to Students, JHCDA - Administering Injectable Medicines to Students and any accompanying administrative regulations.

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

END OF POLICY

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**Legal Reference(s):**

[ORS 153.018](#)  
[ORS 161.605](#)  
[ORS 161.625](#)  
[ORS 163.575](#)  
[ORS 167.400](#)  
[ORS 336.067](#)  
[ORS 336.222](#)  
[ORS 336.227](#)  
[ORS 338.115\(a\)\(j\)](#)

[ORS 339.240](#)  
[ORS 339.250](#)  
[ORS 339.865](#)  
[ORS 431.840](#)  
[ORS 431.845](#)  
[ORS 433.835 - 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).

### **Tobacco-Free Environment \*\***

It is the public charter school's obligation to protect the health, welfare and safety of students. In light of scientific evidence that the use of tobacco is hazardous to health, and to be consistent with public charter school's curriculum and Oregon law, student possession, use, distribution or sale of tobacco in any form on public charter school's premises, at public charter school-sponsored activities, on or off public charter school's premises, in public charter school-owned, rented or leased vehicles or otherwise, while the student is under the jurisdiction of the public charter school is prohibited at all times.

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

Tobacco use, distribution or sale by staff and all others is also prohibited on public charter school premises in any building, facility, or vehicle owned, leased, rented or chartered by the public charter school and at all public charter school-sponsored activities at all times.

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 336.222](#)

[ORS 336.227](#)

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

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 433.835 - 433.990](#)

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

[OAR 581-022-0413](#)

[OAR 581-021-0110](#)

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

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

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

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

[OAR 581-053-0630](#)

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

## **Weapons in the Schools\*\***

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

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

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

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

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

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

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

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

Employees shall promptly report all other conduct prohibited by this policy to the director.

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

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

Weapons under the control of law enforcement personnel are permitted. The public charter school director may authorize other persons to possess weapons for courses, programs and activities approved by the public charter school and conducted on public charter school property including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports.

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

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

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

END OF POLICY

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**Legal Reference(s):**

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

[ORS 339.315](#)  
[ORS 339.327](#)  
[ORS 809.135](#)  
[ORS 809.260](#)  
  
[OAR 581-021-0050 to -0075](#)

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

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).

### **Threats of Violence\*\***

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

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

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

The public charter school director 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 public charter 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 public charter school director 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 public charter school employee and when threats of violence or harm are made by a student or others.



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

The public charter school director will provide necessary information regarding threats of violence to law enforcement, child protective services and health-care professionals in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. Additionally, he or she may provide such information to other school officials, including teachers, within the public charter school who have a legitimate educational interest in the student(s) consistent with state and federal education records laws. "Legitimate educational interest" means a licensed staff member having the student in class, the student's counselor or other licensed or nonlicensed staff due to special referral or participating in staffing, programming or case review of a specifically named student.

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

END OF POLICY

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**Legal Reference(s):**

[ORS 161.015](#)  
[ORS 166.210 - 166.370](#)  
[ORS 338.115\(j\)](#)  
[ORS 339.115](#)  
[ORS 339.240](#)  
[ORS 339.250](#)

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

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

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).

# The Center for Advanced Learning

Code: **JG**  
Adopted:

## **Student Discipline\*\***

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

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

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

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

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

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

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

END OF POLICY

**Legal Reference(s):**

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

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

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

# The Center for Advanced Learning

Code: **JGA**  
Adopted:

## Corporal Punishment\*\*

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

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

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

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

END OF POLICY

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### Legal Reference(s):

[ORS 161.205](#)  
[ORS 338.115\(o\)](#)  
[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050 to -0075](#)  
[OAR 584-020-0040](#)

## Use of Restraint and Seclusion

The Board is dedicated to the development and application of best practices within the public charter schools educational/behavioral programs. It is the intent of the Board to establish a policy that defines the circumstances that must exist and the requirements that must be met prior to, during and after the use of physical restraint and/or seclusion as an intervention with public charter school students.

### Definitions

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

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

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

Mechanical restraint does not include:

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

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

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

The public charter school shall utilize the OIT training program of physical restraint and seclusion for use by the public charter school staff. As required by state regulation, the selected program shall include: behavioral support, prevention, de-escalation and crisis response techniques. Any program selected by the public charter school must be in compliance with state and federal law with respect to the use of physical restraint and/or seclusion.

An annual review of the use of physical restraint and seclusion during the preceding school year shall be completed and submitted to the Superintendent of Public Instruction to ensure compliance with public charter school policies and procedures. The results of the annual review shall be documented and shall include at a minimum:

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

This report shall be made available to the Board and to the public at the public charter schools’s main office and on the public charter school website.

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

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

The 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 public charter school personnel.

END OF POLICY

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**Legal Reference(s):**

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

[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](#)

## 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 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 public charter 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 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 public charter school will immediately attempt to verbally or electronically notify a parent.
6. A Physical Restraint and/or Seclusion Incident Report form 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 restraint or seclusion;
7. Efforts to de-escalate the situation and alternatives to physical restraint or seclusion that were attempted;
8. Information documenting parent contact and notification; and
9. A summary of the debriefing meeting held.

**Physical restraint 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 public charter school representative who is familiar with the physical restraint training practices adopted by the public charter school.
3. Prior to the implementation of any behavioral support plan that includes physical restraint 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 public charter school Use of Restraint and Seclusion policy at the time the plan is developed.

**Use of physical restraint 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 or seclusion under these circumstances with a student who does not have physical restraint 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 Section 504 plan.

# The Center for Advanced Learning

Code: **JGD**  
Adopted:

## **Suspension\*\***

The Board authorizes student suspension for one or more of the following reasons:

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

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

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

END OF POLICY

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

[ORS 338.115\(j\)](#)  
[ORS 339.240](#)  
[ORS 339.250](#)

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

### **Discipline of Students with Disabilities\*\***

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

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

For a violation of a code of conduct, the district<sup>1</sup> may remove a student with a disability from a current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year to the same extent, and with the same notice, as for students without disabilities, if the removals do not constitute a pattern. The district may remove a student with disabilities for additional periods of up to 10 days if the removals do not constitute a pattern. The determination regarding whether a series of removals constitutes a pattern is subject to review in an expedited due process hearing.

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

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

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

END OF POLICY

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<sup>1</sup>"District," for the purpose of this policy, means the district in which the public charter school is located.

**Legal Reference(s):**

[ORS 326.565](#)

[ORS 326.575](#)

[ORS 336.187](#)

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

[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.

## Discipline of Students with Disabilities\*\*

### 1. Definition

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

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<sup>1</sup>“District,” for the purpose of this administrative regulation, means the district in which the public charter school is located.

## 2. **Disciplinary Change of Placement**

- a. Disciplinary removal of a student with a disability constitutes a change in the student's educational placement when:
  - (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 district may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary change in placement.

## 3. **Manifestation Determination**

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

## 4. **Disciplinary Removals for up to 10 School Days**

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

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

- a. The district may remove students with disabilities from their current educational placement to an appropriate interim alternative educational setting, another setting or suspension for additional periods of up to 10 days in a school year to the same extent, and with the same notice as for students without disabilities, if the removals do not constitute a pattern. These removals do not constitute a change in placement.
- b. In determining whether removals of additional periods of up to 10 school days constitute a pattern or removals, public charter and district school personnel will consider, on a case by case basis:
  - (1) Whether the behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
  - (2) Additional factors such as the length of each removal, the total number of days of removal, and the proximity of removals to one another.
- c. During removals of additional periods of up to 10 school days in a school year that do not constitute a pattern, the district will provide services that are necessary to enable the student to:
  - (1) Continue to participate in the general education curriculum;
  - (2) Progress toward achieving the goals in the student's IEP; and
  - (3) The services and location for delivery of services in this section will be determined by school personnel, in consultation with at least one of the student's teachers, or by the student's IEP team.
- 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 District under Special Education Circumstances**

- a. The district may remove a student with a disability from the student's current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year for a drug or weapon violation, or for infliction of serious bodily injury, without regard to whether the behavior is manifestation of the student's disability. This removal is considered a change in placement. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order such a removal.
- b. For the purpose of determining a drug or weapon violation or serious bodily injury, the district will apply the following definitions:
  - (1) "Drug" means an illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or otherwise legally possessed. It does not include alcohol or tobacco;
  - (2) "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school function;



- (3) “In infliction of serious bodily injury” means serious bodily injury caused by a student to another person while at school, on school premises or at a school function under the jurisdiction of ODE or public charter school or district;
  - (4) “Serious bodily injury” means bodily injury, which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty;
  - (5) “Weapon” means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 ½ inches in length;
  - (6) “Weapon violation” means carrying a weapon to school or to a school function or acquiring a weapon at school.
- c. On the date that the district decides to remove a student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the resident district notifies that parent(s) of the decision and gives the parent(s) a Procedural Safeguards Notice.
  - 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 district:
    - (1) Convenes a meeting to determine whether the behavior is a manifestation of the student’s disability; and
    - (2) Conducts, as appropriate, a functional behavior assessment, and develops a behavior intervention plan based on the functional behavior assessment that is designed to address the behavior so it does not recur.

**7. Removal to an Interim Alternative Educational Setting for Not More than 45 Days by Administrative Law Judge for Injurious Behavior**

- a. The district may request an expedited due process hearing to obtain an administrative law judge’s order to remove a student to an interim alternative educational setting for not more than 45 school days if the student is exhibiting injurious behavior. For the purpose of this request, “injurious behavior” is defined as behavior that is substantially likely to result in injury to the student or to others.
- b. The interim alternative educational setting must meet the requirements of the “Interim Alternative Educational Setting” section.

**8. Interim Alternative Educational Setting**

When a student with a disability is placed in an interim alternative educational setting, the setting:

- a. Is determined by the student’s IEP; and
- b. Enables the student to:
  - (1) Continue to participate in the general curriculum, although in another setting;
  - (2) Progress toward achieving the goals in the student’s IEP; and

- (3) Receive services and modifications designed to address the misconduct that led to placement in the interim alternative educational setting and to prevent the misconduct from recurring.

## 9. **Placement Pending Appeal**

If a parent disagrees with the manifestation determination or any decision about placement related to the disciplinary removal and requests a due process hearing, the student will remain in the interim alternative educational setting pending the decision of the administrative law judge, or until the end of the disciplinary removal, whichever is shorter, unless the parent and district agree to another placement pending the hearing.

## 10. **Conduct and Outcome of a Manifestation Determination**

- a. Within 10 school days of any decision to change the placement of a student with a disability for disciplinary reasons, the district convenes a manifestation determination meeting.
- b. The team that determines whether a student's behavior that led to a disciplinary removal from school was caused by, or had a substantial relationship to the student's disability or was a direct result of the district's, failure to implement the student's IEP, includes the parent(s), district representatives and other relevant members of the IEP team, as determined by the parent and district.
  - (1) The team reviews all relevant student information, including the student's IEP, teacher observations and information provided by the parent.
  - (2) The team concludes that the conduct in question is a manifestation of the student's disability if it determines the behavior was caused by, or had a substantial relationship to, the child's disability, or if it was the direct result of the district's, failure to implement the IEP.
- c. If the team determines that the district did not implement the student's IEP or identifies other deficiencies in the student's IEP or placement, the district corrects the identified deficiencies immediately.
- d. Regardless of whether the behavior was a manifestation of the student's disability, the district may remove the student to an interim alternative educational setting for weapons or drug violations or for infliction of serious bodily injury for up to 45 days.
- 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 district will not proceed with a disciplinary removal for more than 10 days.
- (2) The district conducts a functional behavioral assessment and develops a behavior plan to address the behavior that led to the disciplinary action. If the district has already conducted a functional behavioral assessment or if the student already has a behavior intervention plan regarding that behavior, the district reviews, modifies as necessary and implements the plan to address the behavior.
- (3) The district may review and revise the student's IEP and placement through normal IEP and placement processes.

- (4) The district may enter into an agreement with the parent to change the student's placement as part of the modification of the behavioral intervention plan.
  - (5) If the district believes that maintaining the current placement of the child is substantially likely to result in injury to the student or to others, the district may appeal the decision of the manifestation determination team by requesting an expedited due process hearing. An administrative law judge who concludes that maintaining the current educational placement is substantially likely to result in injury to the student or to others may order a change in placement to an interim alternative educational setting for no more than 45 days.
- f. When behavior is not a manifestation of disability.

If the IEP team determines that the student's behavior is not a manifestation of the student's disability the district may proceed with disciplinary removals, in the same manner and for the same duration, as would be applied to students without disabilities. If the district takes such action, applicable to all students, the district:

- (6) 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;
- (7) Gives the parent(s) prior written notice of any proposed change in placement;
- (8) Provides services to the student in an interim alternative educational setting that is determined by the IEP team; and
- (9) Provides, as appropriate, a functional behavioral assessment, develops appropriate behavioral interventions to address the behavior and implements those interventions.

#### 10. **Protections for Students not yet Eligible for Special Education**

- a. The district will follow all special education disciplinary procedures for a student who has not yet been identified as a student with a disability if the district had knowledge that the student had a disability and needed special education.
- b. The district is presumed to have such knowledge if, before the behavior that precipitated the disciplinary action occurred:
  - (1) The student's parent(s) expressed a concern in writing to supervisory or administrative school personnel, or to a teacher of the student, that the student is in need of special education and related services;
  - (2) The student's parent(s) requested a special education evaluation of the student; or
  - (3) The student's teacher or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the district's, special education director or other district supervisory personnel.
- c. The district is not presumed to have knowledge of a disability if:
  - (1) The parent has not allowed an evaluation of the student or has refused the initial provision of special education services to the student; or
  - (2) The student has been evaluated and found not eligible for special education services.

- d. If the district did not have knowledge before taking disciplinary action against the student, the district may take the same disciplinary actions as applied to students without disabilities who engaged in comparable behaviors. However:
- (1) If a special education evaluation is requested, or if the district initiates a special education evaluation, the evaluation will be conducted in an expedited manner.
  - (2) Until the evaluation is completed, the student may remain in the educational placement determined by school personnel, which may include suspension, expulsion or placement in alternative education.
  - (3) Upon completion of the evaluation, if the student is determined to be a student with a disability, the district will conduct an IEP meeting to develop an IEP and determine placement and will provide special education and related services in accordance with the IEP.
  - (4) The district will apply the IDEA discipline protections beginning on the date of the eligibility determination.

# The Center for Advanced Learning

Code: **JGE**  
Adopted:

## **Expulsion\*\***

A public charter school director, after reviewing available information, may recommend to the Board that a student be expelled. Expulsion of a student shall not extend beyond one calendar year.

No student may be expelled without a hearing unless the 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 or by certified mail at least five days prior to the scheduled hearing. Notice will include:
  - a. The specific charge or charges;
  - b. The conduct constituting the alleged violation, including the nature of the evidence of the violation;
  - 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 public charter school will contract with an individual who is not employed by the public charter 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 public charter school director;
3. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the public charter school will provide a translator;
4. The student will be permitted to have a representative present at the hearing to advise and to present arguments. The representative may be an attorney or parent. The public charter school's attorney may be present;
5. The student will be afforded the right to present his/her version of the charges and to introduce evidence by testimony, writings or other exhibits;
6. The student will be permitted to be present and to hear the evidence presented by the public charter school;

7. 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;
8. The hearings officer or the student may make a record of the hearing;
9. The hearings officer's decision is final; however, this decision may be appealed to the public charter school board. Findings of fact as to whether the student has committed the alleged conduct will be submitted to the Board, along with the officer's decision on disciplinary action, if any, including the duration of any expulsion. This decision will be available in identical form to the Board, the student and the student's parents at the same time. At its next regular or special meeting the Board will review the hearings officer's decision and will affirm, modify or reverse the decision. Parents of students who wish to appeal the hearings officer's decision will have the opportunity to be heard at the time the Board reviews the decision;
10. Expulsion hearings will be conducted in private and Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If an executive session is held by the Board or a private hearing by the hearings officer, the following will not be made public:
  - a. The name of the minor student;
  - b. The issues involved;
  - c. The discussion;
  - d. The vote of Board members, which may be taken in executive session.

Prior to expulsion, the public charter school must notify the resident district of the student of the impending expulsion.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.660](#)  
[ORS 332.061](#)  
[ORS 336.615 - 336.665](#)  
[ORS 338.115\(j\)](#)

[ORS 339.115](#)  
[ORS 339.240](#)  
[ORS 339.250](#)

[OAR 581-021-0050](#)  
[OAR 581-021-0070](#)  
[OAR 581-021-0071](#)

# The Center for Advanced Learning

Code: **JHCCA**  
Adopted:

## Students - HIV, HBV and AIDS\*\*

The public charter school will adhere strictly in policies and procedures to the Oregon Revised Statutes and the Oregon Administrative Rules as they relate to a student infected with HIV or HBV or diagnosed with AIDS<sup>1</sup>.

The public charter school recognizes a parent (student) has no obligation to inform the public charter school of an HIV, HBV or AIDS condition and that the student has a right to attend school. If the public charter school is informed of such a student, written guidelines shall be requested of the parent (student). These guidelines shall include who may have the information, who will give the information, how the information will be given and where and when the information will be given.

When informed of the infection, and with written permission from the parent (student), the public charter school will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the student's condition.

Notification shall be made to a student's resident district if the student with HIV, HBV or AIDS, withdraws from the public charter school.

END OF POLICY

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### Legal Reference(s):

[ORS 326.565](#)

[ORS 326.575](#)

[ORS 332.061](#)

[ORS 336.187](#)

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

[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

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<sup>1</sup>HIV - Human Immunodeficiency Virus; HBV - Hepatitis B Virus; AIDS - Acquired Immune Deficiency Syndrome

### **Administering Noninjectable Medicines to Students\*\***

The public charter school recognizes that administering of medication to students and self-medication may be necessary when the failure to take such medication would jeopardize the health of the student or the student would not be able to attend school if medication was not made available during school hours. Consequently, students may be permitted to take noninjectable prescription or nonprescription medication at school, on a temporary or regular basis.

When directed by a physician or other licensed health care professional, students grades K-12 will be allowed to self administer medication. A medical protocol regarding each student who self administers medication will be developed, signed by a physician or other licensed health care professional and kept on file. Permission for self-administered medication may be revoked at any time if the student violates policy or medical protocol.

All requests for the public charter school to administer medication to a student shall be made by the parent in writing. Requests shall include the written instructions of the physician for the administration of a prescription medication to a student or the written instructions of the parent for the administration of a nonprescription medication to a student. A prescription label will be deemed sufficient to meet the requirements for written physician instructions.

The public charter school shall designate staff authorized to administer medication to students. Training shall be provided as required by law.

The public charter school reserves the right to reject a request to administer prescription or nonprescription medication when such medication is not necessary for the student to remain in school.

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

The administrator shall develop administrative regulations as needed to meet the requirements of law, Oregon Administrative Rules and for the implementation of this policy. Regulations will include provisions for student self medication.

END OF POLICY

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**Legal Reference(s):**

[ORS 109.640](#)

[ORS 339.867](#)

[ORS 339.869](#)

[ORS 339.870](#)

[ORS 433.800 - 433.830](#)

[ORS 475.005 - 475.285](#)

[OAR 581-021-0037](#)

[OAR 581-022-0705](#)

[OAR 166-400-0010\(17\)](#)

[OAR 166-400-0060\(29\)](#)

## Administering Noninjectable/Injectable Medicines to Students\*\*

Students may, subject to the provisions of this regulation, have noninjectable/injectable prescription or nonprescription medication administered by designated, trained staff. Self-medication by students will also be permitted in accordance with this regulation.

### 1. Definitions

- a. "Prescription medication" means any noninjectable/injectable drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken either internally or externally by a student under the written direction of a physician. Prescription medication does not include dietary food supplements.
- b. "Nonprescription medication" means only commercially prepared, non-alcohol-based medication to be taken at school that is necessary for the student to remain in school. This shall be limited to eye, nose and cough drops, cough suppressants, analgesics, decongestants, antihistamines, topical antibiotics, anti-inflammatories and antacids that do not require written or oral instructions from a physician. Nonprescription medication does not include dietary food supplements.
- c. "Physician" 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 (guardian), director, 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 set out in guidelines approved by the Oregon Department of Education (ODE), including discussion of applicable public charter 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.

## 2. Designated Staff/Training

- a. The director will designate trained staff authorized to administer medication to students within individual school buildings and while participating at public charter school-sponsored activities on or off public charter school property. The director will ensure building and activity practices and procedures are consistent with the requirements of law, rules and this regulation.
- b. The director 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, public charter school policy and administrative regulations and include, but not be limited to, the following: safe storage, handling, monitoring medication supplies, disposing of medications, record keeping and reporting of medication administration and errors in administration, emergency medical response for life-threatening side effects and allergic reactions, 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 public charter school 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 public charter school office.

## 3. Administering Medications to Students

Requests for designated staff to administer medication to students may be approved by the public charter school as follows:

- a. A written request for the public charter school to administer prescription medication must be submitted to the public charter school office to include:
  - (1) The written signed permission of the parent;
  - (2) The written instruction from the physician for the administration of the prescription medication to the student including:
    - (a) Name of the student;
    - (b) Name of the medication;
    - (c) Route;
    - (d) Dosage;
    - (e) Frequency of administration; and
    - (f) Other special instruction, if any.

The prescription label will be considered to meet this requirement if it contains the information listed in (a)-(f) above.

- b. A written request for the public charter school to administer nonprescription medication must be submitted to the public charter school office to include:
  - (1) The written signed permission of the parent;
  - (2) The written instruction from the parent for the administration of the nonprescription medication to the student including:
    - (a) Name of the student;
    - (b) Name of the medication;
    - (c) Route;
    - (d) Dosage;
    - (e) Frequency of administration;
    - (f) Other special instruction, if any.
- c. Medication is to be submitted in its original container;
- d. Medication is to be brought to and returned from the school by the parent;
- e. 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;
- f. It is the parent's responsibility to ensure that the school is informed in writing of any changes in medication instructions;
- g. In the event a student refuses medication, the parent will be notified immediately. No attempt will be made to administer medication to a student who refuses staff-administered medication;
- h. Any error in administration of medication will be reported to the parent immediately and documentation made on the public charter school's Accident/Incident Report form. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, time, route, etc.;
- i. Medication shall not be administered or self medication allowed until the necessary permission form and written instructions have been submitted as required by the public charter school.

#### 4. Self-medication

- a. Self-medication of prescription and nonprescription medication for K-12 students will be allowed subject to the following:
  - (1) A parent (guardian) permission form must be submitted for self-medication of all prescription and nonprescription medications. In the case of prescription medications, permission from the physician or other licenced health care professional is also required. Such permission may be indicated on the prescription label. A written treatment plan from a licenced health care professional for the managing of a student's asthma and/or severe allergy will be required for use of medication by the student during school hours. The director's permission is required for all self medication requests;
  - (2) Students who are developmentally and/or behaviorally unable to self-medicate will be provided assistance by designated staff. A permission form and written instructions will be required as provided in Section 3. a. and b. above;

- (3) All prescription and nonprescription medication must be kept in its appropriately labeled, original container, as follows:
  - (a) Prescription labels must specify the name of the student, name of the medication, dosage, route and frequency or time of administration and any other special instruction including student permission to self-medicate;
  - (b) Nonprescription medication must have the student's name affixed to the original container.
- (4) 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 a multiple dosage, the student may carry one package, such as but not limited to, bronchodilators/inhalers;
- (5) Sharing and/or borrowing of medication with another student is strictly prohibited;
- b. For students who have been prescribed bronchodilators or epinephrine, staff will request from the parent or guardian, that the parent or guardian provide back up 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.
- c. Upon parent written request, and with a physician's written statement that the lack of immediate access to a backup autoinjectable epinephrine may be life threatening to a student, and the location the school stores backup medication is not located in the student's classroom, a process shall be established to allow the backup autoinjectable epinephrine to be kept in a reasonably secure location in the student's classroom.
- d. Permission to self-medicate may be revoked if the student violates the Board's policies JHCD - Administering Noninjectable Medicines to Student and JHCDA - Administering Injectable Medicines to Students and/or these regulations. Additionally, students may be subject to discipline, up to and including expulsion, as appropriate.

## 5. Handling, Storage, Monitoring Medication Supplies

- a. Medication administered by designated staff and self administered medication 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 public charter school employee upon receipt, documented in the student's medication log and routinely monitored during storage and administration. Discrepancies will be reported to the director 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 noninjectable/injectable medications.

- d. Medication will be secured as follows:
  - (1) Nonrefrigerated medications will be stored in a locked cabinet, drawer or box used solely for the storage of medication;
  - (2) Medications requiring refrigeration will be stored in a locked box in a refrigerator;
  - (3) Access to medication storage keys will be limited to the director and designated 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.

## 6. 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 staff-administered medication or from student self-medication. The parent, school nurse and director will be notified immediately.
- b. Minor adverse reactions that result from staff-administered medication or from student self-medication will be reported to the parent immediately.

## 7. Disposal of Medications

- a. Medication not picked up by the parent at the end of the school year or within five school days of the end of the medication period, whichever is earlier, will be disposed of by designated staff in a nonrecoverable fashion as follows:
  - (1) Medication in capsule, tablet and liquid form will be removed from their original container (destroy any personal information). Crush solid medications, mix or dissolve in water (this applies to liquid as well) and mix with an undesirable substance such as coffee grounds, kitty litter, flour etc., and place it in impermeable nondescriptive containers such as empty cans or sealable bags, placing these containers in the trash. Flush prescriptions down the toilet **only** if the accompanying patient information specifically instructs it is safe to do so (ONDCP Federal Government Guidelines February 20, 2007);
  - (2) Other medication will be disposed of in accordance with established training procedures including sharps and glass.
- b. All medication will be disposed of by designated staff in the presence of another public charter school employee and documented as described in 8. a., below.

## 8. Documentation and Record Keeping

- a. A medication log will be maintained for each student administered medication by the public charter school. The medication log will include, but not be limited to:
  - (1) The name, dose and route of medication administered, date, time of administration and name of the person administering the medication;
  - (2) Student refusals of medication;
  - (3) Errors in administration of medication<sup>1</sup>;
  - (4) Emergency and minor adverse reaction incidents<sup>1</sup>;
  - (5) Discrepancies in medication supply;
  - (6) Disposal of medication including date, quantity, the manner in which the medication was destroyed and the signature of the staff involved.
- 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 166-400-100(17) and OAR 166-400-0060(29).
- c. Student medical files will be kept confidential. Access shall be limited to those designated staff authorized to administer medication to students, the student and his/her parents. Information may be shared with staff with a legitimate educational interest in the student or others as may be authorized by the parent in writing.

The director, teacher or other public charter school employee designated by the director 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 ORS 339.870.

A school director, school nurse, teacher or other charter school employee designated by the school director, the public charter school and members of the public charter school board are not liable in a criminal action or for civil damages as a result of a student's use of medication.

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<sup>1</sup>Designated staff may note incident by symbol in medication log and attach detailed documentation as necessary.

# The Center for Advanced Learning

Code: **JHCDA**

Adopted:

## **Administering Injectable Medicines to Students\*\***

The public charter school recognizes a need to ensure the health and well-being of students who require regular injections of medication as a result of experiencing an allergic reaction or have a need to manage hypoglycemia, asthma, or diabetes. Therefore, in situations when a licensed health care professional is not immediately available, designated trained staff may administer to students, by means of injection, epinephrine, glucagon or other medications as prescribed and allowed by Oregon law (OAR 851-047-0030).

When directed by a physician or other licensed health care professional students in grades K-12 will be allowed to self administer medication. A medical protocol regarding each student who self administers injectable medication will be developed, signed by a physician or other licensed health care professional and kept on file. Permission for self administered medication may be revoked if the student violates policy or medical protocol.

All requests for the public charter school to administer injectable medication to a student shall be made by the parent in writing. Requests shall be accompanied by the physician's order for administering epinephrine, glucagon, or other medication as allowed by law. A prescription label will be deemed sufficient to meet the requirements for a physician's order for epinephrine, glucagon or other medication. A process shall be established by which, upon parent written request, a backup prescribed autoinjectable epinephrine be kept at a reasonable secured location in the student's classroom.

The public charter school may designate staff authorized to administer epinephrine and glucagon or other medication as allowed under Oregon law. Training shall be provided as required by law in accordance with approved protocols as established by Oregon Department of Human Services, Health Services. Staff designated to receive training shall also receive bloodborne pathogens training. A current first-aid and CPR card will also be required.

Injectable medication will be handled, stored, monitored, disposed of and records maintained in accordance with established public charter school regulations governing administering noninjectable/injectable 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 public charter school staff as appropriate. Such plans will include provisions for responding to emergency situations including those occurring during curricular and extracurricular activities held after regular school hours and on or off public charter school property.

END OF POLICY

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**Legal Reference(s):**

[ORS 109.640](#)  
[ORS 339.866](#)  
[ORS 339.870](#)

[ORS 339.871](#)  
[ORS 433.800 to-433.830](#)

[OAR 851-047-0030](#)  
[OAR 851-047-0040](#)

## **Reporting of Suspected Abuse of a Child**

Any public charter school employee who has reasonable cause or reasonable suspicion to believe that any child with whom the employee has come in contact has suffered abuse or neglect, as defined in state law, by any adult or by a student with whom he/she is in contact has abused a child, will immediately notify the Oregon Department of Human Services, Community Human Services or the local law enforcement agency. The school employee shall also immediately inform his/her supervisor or public charter school director.

Abuse of a child by public charter school employees or by students will not be tolerated. All public charter school employees are subject to this policy and the accompanying administrative regulation. If a public charter school employee is a suspected abuser, reporting requirements remain the same.

The public charter school director will implement such regulations as are necessary to accomplish the intent of this policy and to comply with state law. The public charter school will designate the director to receive reports of abuse. In the event the designated person is the suspected abuser, the Board chair shall receive the report of abuse. The public charter school will post in each building the name and contact information of the person designated to receive abuse reports, as well as the procedures the 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 record. A substantiated report of abuse by a student shall be documented in the student's education record.

Upon request, the public charter school shall provide records of investigations of suspected abuse of a child by a public charter school employee or former employee to law enforcement, Oregon Department of Human Services or Teacher Standards and Practices Commission.

Any public charter school employee participating in good faith in the making of a report, pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected abuse of a child may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected abuse of a child by a public charter school employee or a student, in good faith, the student will not be disciplined by the Board or any public charter school employee.

Public charter school staff shall receive training each school year in the prevention and identification of abuse of a child and on the obligations of school employees under ORS 419B.005 and as directed by public charter school board policy to report suspected abuse of a child. In addition, an annual training for parents and legal guardians of students attending public charter schools shall be provided on the prevention, identification of abuse of a child and the obligation of school employees to report suspected abuse of a child.

Annual training designed to prevent abuse of a child will be made available to students attending a public charter school.

Intentionally making a false report of abuse of a child is a Class A violation.

The public charter school shall develop written procedures for all required training.

END OF POLICY

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**Legal Reference(s):**

[ORS 338.115](#)

[ORS 339.370 to-339.400](#)

[ORS 418.746 to-418.751](#)

[ORS 419B.005 to-419B.050](#)

[OAR 581-022-0711](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F. 3d 1201 (9<sup>th</sup> Cir. 2011)

## Reporting of Suspected Abuse of a Child

### Reporting

All public charter 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, Community 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 public charter school employee should also immediately inform his/her supervisor 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 Center for Advanced Learning's 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 public charter school receives a report of suspected abuse of a child by one of its employees or by students, and the director determines that there is reasonable cause to support the report, the public charter 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 public charter school may either reinstate the employee or take disciplinary action at the public charter school's discretion.

The written record of each reported incident of abuse of a child, action taken by the public charter school and any findings as a result of the report shall be maintained by the public charter 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 public charter school employee or former public charter 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 public charter school employee or former employee is convicted of a crime listed in ORS 342.143, the public charter 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 director 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 public charter 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 public charter 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 public charter 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 the director is notified that the Department of Human Services or law enforcement would like to interview a student at school, the director 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 director's refusal to allow the student interview on school property. If the student is to be interviewed at the school, the director or representative shall make a conference space available. The director 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 director 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, public charter school employees shall not notify parents;
3. The director or representative shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. Public charter 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.

**Abuse of a Child Investigations Conducted on Public  
Charter 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 public charter 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

\_\_\_\_\_  
Name of school official (administrator/  
designee) receiving this form

Student refused to be interviewed

This form should be placed in a separate file and not in student's educational record file.

## **Reporting Requirements Regarding Sexual Conduct with Students**

Sexual conduct by public charter school employees as defined by Oregon law will not be tolerated. All public charter school employees are subject to this policy.

*“Sexual conduct” as defined by Oregon law is any verbal or physical or other conduct by a school employee that is sexual in nature; directed toward a kindergarten through grade 12 student; unreasonably interferes with a student’s educational performance; and creates an intimidating, hostile or offensive educational environment. The definition for sexual conduct does not include behavior that would be considered child abuse as outlined by Oregon law and district Board policy JHFE and JHFE-AR - Reporting of Suspected Abuse of a Child.*

Any public charter school employee who has reasonable cause to believe that another public charter school employee, volunteer or instructional partner has engaged in sexual conduct with a student must immediately notify the public charter school director.

When the public charter school receives a report of suspected sexual conduct by a public charter school employee, the public charter school may decide to place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students while conducting an investigation. An investigation is a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the complainant, witnesses, the public charter school employee or student who is the subject of the report. If the subject of the report is a school employee, the investigation must meet any negotiated standards of an employment contract or agreement.

If, following the investigation, the report is substantiated, the public charter school will inform the employee that the report has been substantiated and provide information regarding the appeal process. The employee may appeal the public charter school decision through an appeal process administered by a neutral third party. A volunteer or the employee of an instructional partner may appeal the public charter school decision through the public charter school’s complaint procedure. A substantiated report is one that: a) an educational provider has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and b) involves conduct that the educational provider determines is sufficiently serious to be documented in the employee’s personnel file.

If the employee decides not to appeal the determination or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee’s personnel file. The employee will be notified that this information may be disclosed to a potential employer.

The public charter school will post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the public charter school administrator will follow upon receipt of a report. In the event that the designated person is the suspected



perpetrator, the Board chair shall receive the report. When the public charter school administrator takes action on the report, the person who initiated the report must be notified.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected sexual conduct by a public charter school employee in good faith, the student will not be disciplined by the public charter school board or any public charter school employee.

The public charter school will provide annual training to public charter school employees, parents and students regarding the prevention and identification of sexual conduct. The public charter school will provide to employees at the time of hire a description of conduct that may constitute sexual conduct and a description of records subject to disclosure if a sexual conduct report is substantiated.

Educational providers shall follow hiring and reporting procedures as outlined in ORS 339.374 for all public charter school employees.

END OF POLICY

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**Legal Reference(s):**

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

[ORS 339.326](#)

[ORS 339.370 to-339.400](#)

[ORS 418.746 to-418.751](#)

[ORS 419B.005 to-419B.045](#)

**Sexual Conduct Complaint Form**

Name of complainant: \_\_\_\_\_

Position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of person allegedly engaging in sexual conduct: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

Description of sexual conduct: \_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

Evidence of sexual conduct, i.e., letters, photos, etc. (attach evidence if possible): \_\_\_\_\_

Any other information: \_\_\_\_\_

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

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

**The Center for Advanced Learning**  
**WITNESS DISCLOSURE FORM**

Name of Witness: \_\_\_\_\_

Position of Witness: \_\_\_\_\_

Date of Testimony/Interview: \_\_\_\_\_

Description of Instance Witnessed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any Other Information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

1. Inspect and review the student's records;
2. Request the amendment of the student's educational records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the student educational record rules authorize disclosure without consent. (See Board policy JOB – Personally Identifiable Information);
4. File with the U.S. Department of Education a complaint concerning alleged failures by the public charter school to comply with the requirements of the Family Educational Rights and Privacy Act; and
5. Obtain a copy of the public charter school's education records policy.

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

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

[ORS 338.115\(a\)](#)  
[ORS 339.270](#)  
[ORS 343.177\(3\)](#)

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

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

R5/23/12 | PH

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

### **1. Student Education Record**

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

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

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

- a. Name and address of educational agency or institution;
- b. Full legal name of the student;

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

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

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

## 2. Confidentiality of Student Records

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

## 3. Rights of Parents and Eligible Students

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

- a. Inspect and review the student's education records;
- b. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
- c. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;

- d. Pursuant to OAR 581-021-0410, file with the Family Policy Compliance Office, United States Department of Education a complaint under 34 C.F.R. § 99.64 concerning alleged failures by the public charter school to comply with the requirements of federal law; and
- e. Obtain a copy of the public charter school policy with regard to student education records.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

Students' education records will be maintained at the public charter school building at which the student is in attendance except for special education records which may be located at another designated location within the public charter school or the district<sup>1</sup>. The director 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 public charter school or district who have a legitimate educational interest.

As used in this section, "legitimate educational interest" means a public charter school or district<sup>1</sup> official employed by the public charter school or district<sup>1</sup> as an administrator, supervisor, instructor or staff support member; a person serving on a public charter school or district<sup>1</sup> board; a person or company with whom the public charter school or district<sup>1</sup> has contracted to perform a special task; or a parent or student serving on a special committee such as a disciplinary or grievance committee, or assisting another public charter school or district<sup>1</sup> official in performing his or her tasks needed to review an educational record in order to fulfill his or her professional responsibility (definition from FERPA).

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<sup>1</sup>"District," for the purpose of this policy, means the district in which the public charter school is located.

The public charter school shall maintain, for public inspection, a listing of the names and positions of individuals within the public charter school or district<sup>1</sup> who have access to personally identifiable information with respect to students with disabilities.

- b. The disclosure is to officials of another school within the district<sup>1</sup>;
- c. The disclosure is to authorized representatives of:

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

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

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

- e. The disclosure is to organizations conducting studies for, or on behalf of, the district to:
  - (1) Develop, validate or administer predictive tests;
  - (2) Administer student aid programs; or
  - (3) Improve instruction.
- f. The public charter school may disclose information under this section only if disclosure is to an official listed in paragraph (c) above and who enters into a written agreement with the district that:
  - (1) Specifies the purpose, scope and duration of the study and the information to be disclosed;
  - (2) Limits the organization to using the personally identifiable information only for the purpose of the study;
  - (3) The study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization; and
  - (4) The information is destroyed when no longer needed for the purposes for which the study was conducted.

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

The district may disclose information under this section only if the disclosure is to an official listed in paragraph (c) above who is conducting an audit related to the enforcement of or

compliance with federal or state legal requirements and who enters into a written agreement with the district that:

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

As used in this section a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of abuse of a child or neglect pursuant to applicable state law.

- l. The disclosure is information the district has designated as "directory information" (See Board policy JOA – Directory Information);
- m. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;
- n. The disclosure is to officials of another school, school system, institution of postsecondary education, an education service district (ESD), state regional program or other educational agency that has requested the records and in which the student seeks or intends to enroll or is enrolled or in which the student receives services. The term "receives services" includes, but

is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability;

- o. The disclosure is to the Board during an executive session pursuant to ORS 332.061.

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

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

## 6. Record-Keeping Requirements

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

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

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

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

## 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 director where the record is maintained to amend the record.

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

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

- a. The director 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 public charter school staff and the eligible student or student's parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or public charter school or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student's parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or contested portion is maintained and exists. The panel shall make a determination after hearing the evidence and make its recommendation in writing within 10 working days following the close of the hearing. The panel will make a determination based solely on the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision. The findings of the panel shall be rendered in writing not more than 10 working days following the close of the hearing and submitted to all parties.

If, as a result of the hearing, the panel decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the eligible student or the student's parent(s) of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of the panel. If a statement is placed in an education record, the public charter school will ensure that the statement:

- a. Is maintained as part of the student's records as long as the record or contested portion is maintained by the public charter school or the district<sup>1</sup>; and

- b. Is disclosed by the public charter school to any party to whom the student's records or the contested portion are disclosed.

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

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

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

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

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

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

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

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

## **Disclosure Statement**

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

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

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

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

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

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

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

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

# The Center for Advanced Learning

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 address including electronic address;
3. Student's photograph;
4. Major field of study;
5. Participation in officially recognized activities;
6. Dates of attendance;
7. Awards received;
8. Participating school.

### **Public Notice**

The public charter 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 public charter school's option to release such information and the requirement that the public charter 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 public charter 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 public charter school director 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 emancipated student may not opt out of directory information to prevent the public charter 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 public charter school in this policy.

Directory information shall be released only with administrative direction.

Directory information considered by the public charter 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

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### Legal Reference(s):

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

[ORS 326.575](#)  
[ORS 336.187](#)  
[ORS 338.115\(a\)](#)

[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).

# The Center for Advanced Learning

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's family, if excluded from directory information, as requested by the student/parent in writing;
4. Personal identifier such as the student's social security number or student ID number or biometric record;
5. A list of personal characteristics that would make the student's identity easily traceable such as student's date of birth, place of birth and mother's maiden name;
6. Other information alone or in combination that would make the student's identity easily traceable;
7. Other information requested by a person who the public charter school reasonably believes knows the identity of the student to whom the educational record relates.

### **Prior Consent to Release**

Personally identifiable information will not be released without prior signed and dated consent of the parent, student 18 years of age or older or emancipated.

Notice of and/or request for release of personally identifiable information shall specify the records to be disclosed, the purpose of disclosure and the identification of person(s) to whom the disclosure is to be made. Upon request of the parent or eligible student, the public charter school will provide a copy of the disclosed record.

### **Exceptions to Prior Consent**

The public charter school may disclose personally identifiable information without prior consent under the following conditions:

1. To personnel within the public charter school or district<sup>1</sup> who have legitimate educational interests;

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<sup>1</sup>"District" for the purpose of this policy, means the district in which the public charter school is located and any participating partner.

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 public charter school or district<sup>1</sup>;
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

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**Legal Reference(s):**

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

[ORS 336.187](#)  
[ORS 338.115\(a\)](#)

[OAR 581-015-2000](#)  
[OAR 581-021-0220 to -0430](#)  
[OAR 581-022-1660](#)

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

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

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006).

Uninterrupted Scholars Act (USA), 2013 (P.L. 112-278, Jan. 14, 2013), 20 U.S.C. § 1221.

THE CENTER FOR ADVANCED LEARNING

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The following symbol is used on some policies:

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

### **Parental Rights\*\***

The public charter school board recognizes the importance of promoting parental input in decision making related to their student's health and general well-being, in determining public charter school and student needs for educational services, in program development and public charter school operations. To assist the public charter school in this effort, and in accordance with the No Child Left Behind Act of 2001 (NCLBA), the public charter 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 public charter school to a student, including any district survey containing "covered survey items"<sup>1</sup> as defined by NCLBA;
2. Any instructional material used by the public charter 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 public charter school students will also, upon request, be permitted to excuse their student from "covered activities"<sup>2</sup> as defined by NCLBA. The rights provided to parents under this policy, transfer to the student when the student turns 18 years of age, or is an emancipated minor under applicable state law.

The public charter school 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 the public charter school. The input of parents will be encouraged in the development, adoption and any subsequent revision of this policy.

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<sup>1</sup>"Covered survey items," under NCLBA, includes one or more of the following items: political affiliations or beliefs of the student or the student's family; mental and psychological problems of the student or the student's family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

<sup>2</sup>"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 public charter school 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 public charter school procedures to request review of covered materials, excuse a student from participating in covered activities and protect student privacy in the event of administration or distribution of a survey to a student.

END OF POLICY

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**Legal Reference(s):**

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

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

## Parental Rights

The following definitions and procedures will be used to implement the parental rights requirements of the No Child Left Behind Act (NCLBA):

### Definitions

1. “Survey,” as defined by federal law and as used in Board policy and this regulation, includes an evaluation. It does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act;
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 public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school control;
5. “Instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments;



6. “Personal information” means individually identifiable information including a student or parent’s first and last name; a home or other physical address (including street name and the name of the city or town); telephone number; or a social security identification number;
7. “Invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion or injection into the body. It does not include a hearing, vision or scoliosis screening and does not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification.

### **Requests to Inspect Materials**

Parents may inspect surveys, instructional materials or instruments used to collect personal student information for marketing purposes before such items are administered or distributed by a public charter school to a student as follows:

1. Requests may be directed to the public charter school office by phone or in person;
2. Requests must be received by the public charter school no later than five working days following receipt of notification by the public charter school of its intent to administer or distribute such items;
3. Materials may be reviewed at the public charter school office or mailed by the public charter 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 public charter school or third party survey;
3. The administration of nonemergency, invasive physical examinations or screenings.

All such requests must be:

1. Directed to the public charter school director in writing;
2. Received by the public charter school no later than five working days following receipt of notification by the public charter school of its intent to administer or distribute such items.

## **Student Privacy**

The public charter school recognizes its responsibility to protect student privacy in the event of administration or distribution of a survey to a student containing one or more covered survey items.

A student's personal information that may be collected as a result of such surveys will be released only with prior, written parental permission. The public charter school will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the public charter school discloses personally identifiable information from educational records.

## **Notification**

The public charter school director shall be responsible for ensuring appropriate notification to parents of their rights under federal law, Board policy and this regulation. Accordingly, notification will:

1. Be made at least annually at the beginning of the public charter school year or at other times during the public charter school year when enrolling students for the first time in school;
2. Include the specific or approximate dates during the public charter school year when covered activities are scheduled or expected to be scheduled.

# The Center for Advanced Learning

Code: **KBA**  
Adopted:

## **Public Records\*\***

“Public record” means any information that:

1. Is prepared, owned, used or retained by the public charter school;
2. Is related to an activity, transaction or function of the public charter school; and
3. Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the public charter school.

Public record does not include messages on voice mail or on other telephone message storage and retrieval systems or spoken communication that is not recorded.

Board meetings and records will be matters of public information subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.

The Board’s official minutes, its written policies and its financial records will be available at the public charter school 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 Board supports the right of the people to know about programs and services of their schools and will make every effort to disseminate information. The director is authorized to use all means available to keep parents and others of his or her particular charter school’s community informed about the public charter school’s program and activities.

No records will be released for inspection by the public or any unauthorized persons – either by the director any other person designated as custodian for public charter school records – if such disclosure would be contrary to the public interest, as described in state law.

If a copy of a record is requested, the charter 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 public charter 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 the public charter school records and at the same time to the public charter school’s attorney.

Public charter school employee and volunteer addresses, electronic mail addresses (other than public charter school electronic mail addresses assigned by the public charter school to employees), social security numbers, dates of birth and telephone numbers contained in personnel records maintained by the public charter school are exempt from public disclosure pursuant to ORS 192.445 and ORS 192.502 (3). Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member. Public charter school electronic mail addresses assigned by the public charter school to employees are not exempt. Additionally, the public charter school will not disclose the identification badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by the public charter school to identify public charter school employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

Upon receipt of a request, the public charter 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 public charter school does not possess, or is not the custodian of, the public record;
2. Copies of all requested public records for which the public charter school does not claim an exemption from disclosure under ORS 192.410 to 192.505;
3. A statement that the public charter school is the custodian of at least some of the requested public records, an estimate of the time the public charter 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 public charter 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 public charter school within a reasonable time;
5. A statement that the public charter school is uncertain whether the public charter school possesses the public record and that the public charter 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 public charter 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 public charter school.

The public charter school may request additional information or clarification from the requester for the purpose of expediting the public charter school's response to the request.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the public charter 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 public charter school shall retain and maintain its public records in accordance with OAR 166, Division 400.

END OF POLICY

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**Legal Reference(s):**

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

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

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 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.

### **Tobacco-Free Environment \*\***

It is the public charter school's obligation to protect the health, welfare and safety of students. In light of scientific evidence that the use of tobacco is hazardous to health, and to be consistent with public charter school's curriculum and Oregon law, student possession, use, distribution or sale of tobacco in any form on public charter school's premises, at public charter school-sponsored activities, on or off public charter school's premises, in public charter school-owned, rented or leased vehicles or otherwise, while the student is under the jurisdiction of the public charter school is prohibited at all times.

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

Tobacco use, distribution or sale by staff and all others is also prohibited on public charter school premises in any building, facility, or vehicle owned, leased, rented or chartered by the public charter school and at all public charter school-sponsored activities at all times.

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 336.222](#)

[ORS 336.227](#)

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

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 433.835 - 433.990](#)

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

[OAR 581-022-0413](#)

[OAR 581-021-0110](#)

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

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

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

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

[OAR 581-053-0630](#)

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

# The Center for Advanced Learning

Code: **KGF/EDC**  
Adopted:

## **Authorized Use of Public Charter School Equipment and Materials**

Public charter school materials and equipment will be used only for school purposes by public charter school personnel on public charter 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

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

[ORS Chapter 244](#)  
[ORS 338.115\(2\)](#)

[OAR 584-020-0040](#)

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



### **Materials Distribution\*\***

Requests by individuals or groups to distribute pamphlets, booklets, flyers, brochures and other similar materials to students for classroom use or to take home shall be submitted to the charter school director. Materials and the proposed method of distribution shall be subject to review.

Materials shall be reviewed based on legitimate educational concerns. Such concerns include: the material is or may be defamatory; the material is inappropriate based on the age, grade level and/or maturity of the reading audience; the material is poorly written, inadequately researched, biased or prejudiced; the material contains information that is not factual; the material is not free of racial, ethnic, religious or sexual bias; or the material contains advertising that violates public school laws, rules and/or policy, is deemed inappropriate for students or that the public might reasonably perceive to bear the sanction or approval of the public charter school director.

The director shall determine distribution procedures. Such procedures may include:

1. Distribution to each student before or after class if materials are not directly related to the instructional goals;
2. Notification to students or parents of the availability of the materials in a specified location if this procedure is deemed less disruptive to the educational process; or
3. Solicitation of school-related groups such as parent organizations to distribute materials.

The practice of distributing pamphlets, booklets, flyers, brochures and other similar materials shall be periodically reviewed to ensure that the mere volume of requests has not become an interruption to the educational process.

END OF POLICY

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**Legal Reference(s):**

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

46 OR. ATTY. GEN. OP. 239 (1989)

# The Center for Advanced Learning

Code: **KL**  
Adopted:

## Public Complaints

Complaints are handled and resolved as close to their origin as possible.

Although no community member will be denied the right to petition the Board for redress of a grievance, complaints will be referred through the proper administrative channels for solution before investigation or action by the Board. Exceptions are complaints that concern administrator or Board actions or Board operations.

The Board advises the public that the proper channeling of complaints involving instruction, discipline or learning materials is as follows:

1. Teacher;
2. Director;
3. Board.

Any complaint about public charter school personnel other than the director will be investigated by the director before consideration and action by the Board. The Board will not hear charges against employees in open session unless an employee requests an open session.

If the person(s) having a complaint fails to resolve the concern with the director, the person may request that the matter be referred to the Board. If the Board deems it advisable it may provide for a hearing of the complaint at an official meeting of the Board.

END OF POLICY

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### Legal Reference(s):

[ORS 192.610 - 192.690](#)  
[ORS 338.115\(2\)](#)

[OAR 581-022-1940](#)  
[OAR 581-022-1941](#)

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

## **Public Complaint Procedure**

### **Initiating a Complaint: Step One**

Any member of the public who wishes to express a complaint should discuss the matter with the public charter school employee involved (teacher, secretary, etc.). It is the intent of the public charter school to solve problems and address all complaints as close as possible to their origin.

### **The Director: Step Two:**

If such a discussion at the step one does not resolve the complaint or if such discussion is not practical under the circumstances, the complainant, if he or she wishes to pursue the action, shall file a signed, written complaint with the director clearly stating the nature of the complaint and a suggested remedy. (A form is available, but is not required.)

The director shall investigate the complaint, confer with the complainant and the parties involved and prepare a written report of his or her findings and his/her conclusion. (Approximately one week in most cases will be required.)

### **The Board: Step Three**

If the complainant is dissatisfied with the director's findings and conclusion, the complainant may appeal the decision to the public charter school board. The Board may hold a hearing to review the findings and conclusion of the director, to hear the complainant and to take such other evidence as it deems appropriate. Generally all parties involved will be asked to attend such meeting for the purposes of presenting additional facts, making further explanations and clarifying the issues.

The Board may elect to hold the hearing in executive session if the subject matter qualifies under Oregon Revised Statutes.

**The Center for Advanced Learning  
COMPLAINT FORM**

Person Making Complaint \_\_\_\_\_

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

Nature of Complaint \_\_\_\_\_

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Suggested Correction \_\_\_\_\_

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Office Use: Disposition of Complaint: \_\_\_\_\_

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