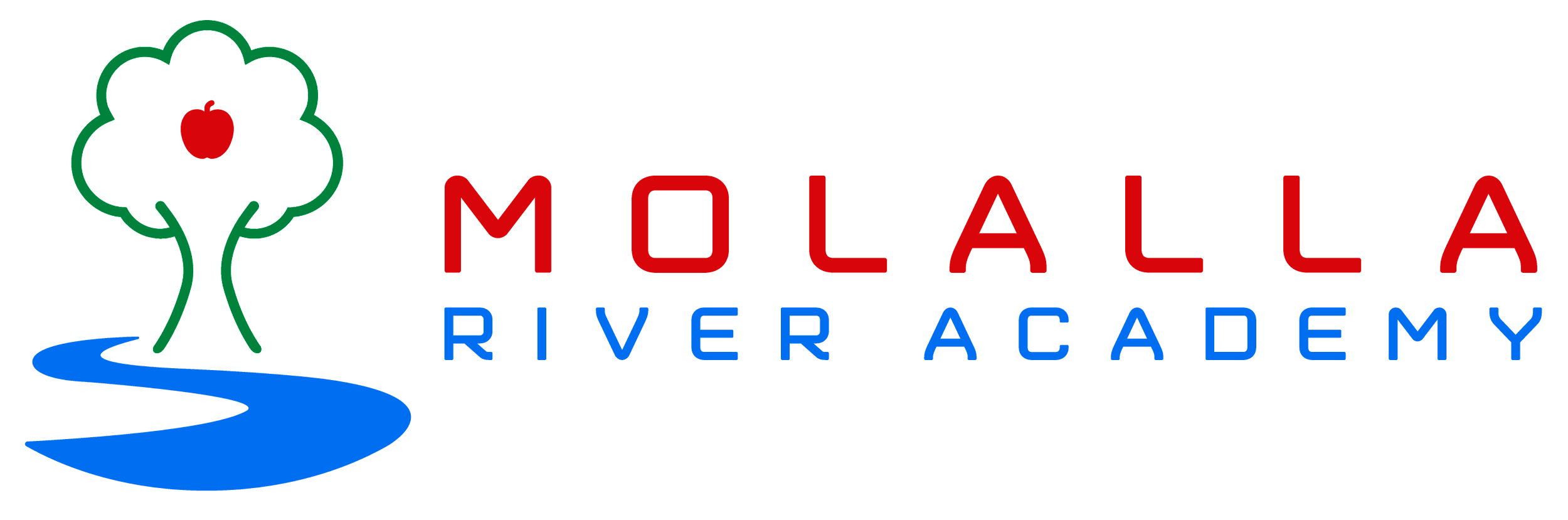
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**POLICY MANUAL**

**Adopted 2022**

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Medications\*\* [JHCD/JHCDA](#bookmark=id.ufn3i16fflv9)

Medications\*\* [JHCD/JHCDA-AR](#bookmark=id.ufn3i16fflv9)

Mental Health Screening Exemptions\*\* [JHDB](#bookmark=id.4gj6asmrlznb)

Student Safety [JHF](#bookmark=id.yq31cy5rorb1)

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Suspected Sexual Conduct Report Procedures and Forms [JHFF/GBNAA-AR](#bookmark=id.wrotsvmyxp9e)

Trauma Informed Schools [JHHB](#bookmark=id.645argmek0h1)

Student Fees, Fines and Charges\*\* [JN](#bookmark=id.9f3asgxlaebu)

Education Records/Records of Students with Disabilities\*\* [JO/IGBAB](#bookmark=id.rxwkshgeoizg)

Education Records/Records of Students with Disabilities Management [JO/IGBAB-AR](#bookmark=id.ocwu9ca3gp6m)

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Public Complaint Procedure [KL-AR](#bookmark=id.q2ov4k8e4r54)

Relations with Law Enforcement Agencies [KN](#bookmark=id.28schgk542y)

Relations with Law Enforcement Agencies\*\* [KN-AR(1)](#bookmark=id.jture3cvb4yu)

Investigations Conducted on School Premises [KN-AR(2)](#bookmark=id.vm90c3i2uni5)

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

**Molalla River Academy**

Code: AC

Adopted: 1/25/22

**Nondiscrimination**

The public charter school prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual’s perceived or actual race[[1]](#footnote-0), color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans’ status, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans’ status of any other persons with whom the individual associates.

The public charter school may not limit student enrollment based on ethnicity, national origin, race, religion, disability, sex, sexual orientation, gender identity, income level, proficiency in English language, the terms of an individualized education program (IEP), or athletic ability, except as authorized under Oregon law. A public charter school may limit admission to students within a given grade level. The public charter school must select students through an equitable lottery selection process if the number of student applicants exceeds the capacity of a program, class, grade level or building. The public charter school may implement a weighted lottery that favors historically underserved students in accordance with ORS 338.125[[2]](#footnote-1). The public charter school may give priority for admission to students in accordance with ORS 338.125.

The public charter school prohibits discrimination and harassment in, but not limited to: employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to the school and classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings.

The public charter school prohibits retaliation and discrimination against an individual who 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, and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under state and federal law.

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

The executive director shall appoint individuals at the public charter school to contact on issues concerning the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments Act, and other civil rights or discrimination issues, and notify students, parents, and employees with their names, office addresses, and phone numbers.

The Board will adopt and the public charter school will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees, and the public, and such procedures will be available at the school’s administrative office during business hours and published on the home page of the school’s website.

END OF POLICY

**Legal Reference(s):**

[ORS 174](http://policy.osba.org/orsredir.asp?ors=ors-174).100

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).630

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).051(1)(e)

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).125

[ORS 408](http://policy.osba.org/orsredir.asp?ors=ors-408).230

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).805

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).815

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).850 - 659.860

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).865

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).001

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).003

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).006

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).009

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).029

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).030

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).040

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).103 - 659A.145

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).230 - 659A.233

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).236

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).309

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).321

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).409

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0045

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0046

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0047

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-003

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).

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

The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).

House Bill 2935 (2021).

House Bill 2954 (2021).

House Bill 3041 (2021).

**Cross Reference(s):**

ACA - Americans with Disabilities Act

ACB - Every Student Belongs

JBB - Educational Equity

GBA - Equal Employment Opportunity

GBEA - Workplace Harassment

JB - Equal Educational Opportunity

KL - Public Complaints

**Molalla River Academy**

Code: AC-AR

Adopted: 1/25/22

**Discrimination Complaint Procedure**

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

Step 1 Complaints may be oral or in writing and should be filed with the executive director. Any staff member that receives a written or oral complaint shall report the complaint to the executive director.

The executive director shall investigate and determine the action to be taken, if any, and reply in writing to the complainant within 10 school days of receipt of the complaint.

Step 2 If the complainant is not satisfied with the decision of the executive director, a written appeal may be filed with the Board within 10 school days of receipt of the executive director’s response in Step 1. The Board may decide to hear or deny the request for appeal at a Board meeting. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative at the next regular or special Board meeting. The Board’s decision will address each allegation in the complaint and contain the reasons for the Board’s decision. A copy of the Board’s decision shall be sent to the complainant in writing within 10 days of this meeting.

If the Board decides not to hear the appeal the executive director’s decision is final.

If the executive director is the subject of the complaint the individual may start at Step 2 and file a complaint with the Board chair.

Complaints against the Board as a whole or against an individual Board member may start at Step 2, should be submitted to the Board chair, and may be referred to counsel. Complaints against the Board chair may start at Step 2 and should be referred directly to the Board vice chair.

Timelines may be extended based upon mutual consent of the public charter school and the complainant in writing.

**Appeal Process**

A decision reached by this Board for a complaint that alleges a violation of OAR 581-021-0047 (Prohibition against using Native American mascots) may be appealed to Oregon Department of Education (ODE) under OAR 581-002-0001 - 581-002-0023.

A final decision reached by the Board for a complaint that alleges a violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or OAR 581-021-0046 (Discrimination), is recognized as the final decision regarding this complaint[[3]](#footnote-2) by the Board of Molalla River School District. A final decision may be appealed to ODE under OAR 581-002-0001 - 581-002-0023

**Charrter School**

**Discrimination Complaint Form**

Name of Person Filing Complaint Date School or Activity

Student/Parent □ Employee □ Job applicant □ Other □

Subject of complaint:

□ Race

□ Color

□ Religion

□ Sex

□ National or ethnic origin

□ Mental or physical disability

□ Marital status

□ Familial status

□ Economic status

□ Veterans’ status

□ Age

□ Sexual orientation

□ Gender identity

□ Pregnancy

□ Income level

□ Athletic ability

□ Proficiency in English language

□ Discriminatory use of a Native American mascot

□ Other

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

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

Suggested solution/resolution/outcome:

This complaint form should be mailed or submitted to the executive 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.

**Molalla River Academy**

Code: ACA

Adopted: 1/25/22

**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 Board. Auxiliary aids and services determinations will be based on availability, effectiveness and financial or administrative burden to the public charter school.

The Board directs the executive 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

**Legal Reference(s):**

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).

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

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

Americans with Disabilities Act Amendments Act of 2008.

**Cross Reference(s):**

AC - Nondiscrimination

BD/BDA - Board Meetings

GAB - Job Descriptions

GBA - Equal Employment Opportunity

GBEA - Workplace Harassment

JB - Equal Educational Opportunity

**Molalla River Academy**

Code: ACA-AR

Revised/Reviewed: 1/25/22

**ADA Grievance Procedure**

The executive 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 executive 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 executive director within 180 days from date of alleged discrimination. It must include the following:

* 1. The name and address of the individual or the representative filing the complaint;
  2. 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;
  3. A signature by the complainant or by someone authorized to do so on their behalf;
  4. 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 executive 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 executive 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 of the compliance officer, he or she may submit a written appeal to the executive director or designee indicating with particularity the nature of disagreement with the answer and reason underlying such disagreement. Such appeal must be filed within 10 working days after receipt of the compliance officer’s answer. The executive director or designee shall arrange a meeting with the complainant and other affected parties, if requested by the complainant, at a mutually agreeable time to discuss the appeal.

The executive director or designee shall give a written answer to the complainant’s appeal within 10 working days.

Step 4 If the complainant is not satisfied with the answer, an appeal to the Board may be filed within 10 working days after receipt of the Step 3 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 5 If the complainant is not satisfied with the decision of the 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

**Molalla River Academy**

Code: ACB

Adopted: 1/25/22

**Every Student Belongs**

All students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All employees are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All visitors are entitled to participate in a school or educational environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

“Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior.

“Symbol of hate” means nooses[[4]](#footnote-3), symbols of neo-Nazi ideology or the battle flag of the Confederacy.

The public charter school prohibits the use or display of any symbols of hate on school property[[5]](#footnote-4) or in an education program[[6]](#footnote-5) except where used in teaching curriculum that is aligned with state standards of education for public schools.

In responding to the use of any symbols of hate or bias incidents, the public charter school will use non-disciplinary remedial action whenever appropriate. Repeated violations may result in disciplinary consequences.

The public charter school prohibits retaliation against an individual because that individual has in good faith reported information that the individual believes is evidence of a violation of a state or federal law, rule or regulation.

Nothing in this policy is intended to interfere with the lawful use of public charter school facilities pursuant to a lease or license.

The public charter school will use administrative regulation ACB-AR - Bias Incident Complaint Procedure to process reports or complaints of bias incidents.

END OF POLICY

**Legal Reference(s):**

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).850

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).852

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-002-0005

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2312

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2370

*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).

*Dariano v. Morgan Hill Unified Sch. Dist.*, 767 F.3d 764 (9th Cir. 2014).

*State v. Robertson*, 293 Or. 402 (1982).

House Bill 2697 (2021)

House Bill 3041 (2021)

**Cross Reference(s):**

AC - Nondiscrimination

GBEA - Workplace Harassment

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff

GBN/JBA - Sexual Harassment

JBA/GBN - Sexual Harassment

JBB - Educational Equity

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Studen

**Molalla River Academy**

Code: ACB-AR

Adopted: 1/25/22

**Bias Incident Complaint Procedure**

The terms “bias incident” and “symbols of hate” are defined in policy. Persons impacted by a bias incident or display of a symbol of hate shall be defined broadly to include persons directly targeted by an act, as well as the community of students as a whole who are likely to be impacted by the act.[[7]](#footnote-6)

Step 1: When a staff member learns of a potential bias incident or display of a symbol of hate, the staff member will prioritize the safety and well-being of all persons impacted and promptly report the incident to the executive director.

Step 2: The executive director or designee shall acknowledge receipt of the complaint, reduce the complaint to writing, and investigate any complaint of a bias incident. Responding staff will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and commit to preventing further harm against those persons impacted from taking place. Educational components and redirection procedures, if any, will:

* Address the history and impact of bias and hate;
* Advance the safety and healing of those impacted by bias and hate;
* Promote accountability and transformation for people who cause harm; and
* Promote transformation of the conditions that perpetuated the harm.

The executive director or designee must consider whether the behavior implicates other public charter school policies or civil rights laws, and if so, respond accordingly[[8]](#footnote-7).

The executive director or designee will make a decision within 15 days of receiving the complaint.

All persons impacted by the act will be provided with information[[9]](#footnote-8) relating to the investigation and outcome of the investigation, including:

* Notice that an investigation has been initiated;
* Notice when an investigation has been completed;
* The findings of the investigation and the final determination based on those findings;
* Actions taken to remedy a person’s behavior and prevent reoccurrence; and
* When applicable, the legal citation of any law prohibiting disclosure of any information described above, and an explanation of how that law applies to the current situation.

Step 3: If the decision maker in Step 2 is not the executive director and the complainant or a respondent wishes to appeal the decision reached in Step 2, the complainant or respondent may submit a written appeal to the executive director within five school days after receipt of the response to the complaint.

The executive director shall acknowledge receipt of the appeal and may meet with all parties involved. The [executive director will review the merits of the complaint and the executive director or designee’s decision. The executive director will respond in writing to the complainant within 10 school days.

The executive director will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 3, as appropriate.

Step 4: If the complainant or respondent is not satisfied with the decision of the executive director, a written appeal may be filed with the Board within 10 school days of receipt of the executive director’s response to Step 3. The Board may decide to hear or deny the request for appeal at a Board meeting. The Board may use an executive session if the subject matter qualifies under Oregon law. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative at the next regular or special Board meeting. The Board’s decision will be final and will address each allegation in the complaint and contain reasons for the Board’s decision. A copy of the Board’s final decision shall be sent to the complainant in writing within 10 days of this meeting.

The Board will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 4, as appropriate.

Complaints against the assistant executive director will be submitted to the executive director. Complaints can be filed with or communicated directly to the executive director, in which case Step 1 will be skipped. Complaints against the executive director can be directed to the Board chair and will begin at Step 4. If complaints begin later than Step 1, the individuals reviewing the complaint will ensure that all requirements are met.

The complainant, if a person who resides in the district, a parent or guardian of a student who attends school in the public charter school or a student, is not satisfied after exhausting local complaint procedures, the public charter school fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal[[10]](#footnote-9) the public charter school’s final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.[[11]](#footnote-10)

Public charter school administration will develop and implement instructional materials to ensure that all school employees, staff and students are made aware of the policy, this administrative regulation and related practices. The materials will include reporting procedures, educational processes, and possible consequences.

When necessary, timelines may be adjusted by the public charter school by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.

**Molalla River Academy**

Code: BBA

Adopted: 1/25/22

**Board Powers and Duties**

The by-laws delegates to the Board responsibility for the conduct and governance of programs and services in the public charter school. The general powers granted to the Board are:

1. Legislative or Rule-Making Authority

In regular or special public meetings, after open discussion and after members’ votes are recorded, the Board will establish rules or policy to govern the conduct of its members and the proceedings of the Board.

The Board shall establish policies for governing the programs and services of the public charter school consistent with State Board of Education rules and with local, state and federal laws, as applicable.

The Board is responsible for providing adequate and direct means for keeping informed about the needs and wishes of the public and for keeping local community patrons informed about the public charter school.

1. Judicial Authority

As provided by law, policy or contract, the Board acts as a fact-finding body or a court of appeal for staff members, students and the public when issues involve Board policies or agreements and their implementation, and when the Board must determine the rights, duties or obligations of those who address the Board.

1. Executive/Administrative Authority

The Board will appoint the executive director delegated to establish administrative regulations to implement Board policy and goals. The Board will evaluate the executive director’s performance.

The Board may establish academic and financial goals for the public charter school and evaluate the executive director’s implementation of those goals.

The Board will oversee the public charter school’s financial affairs by authorizing, appropriating and adopting budgets as allowed by law, to provide for program operation and maintenance or acquisition of public charter school property.

The Board will authorize the executive director to approve payment on all contracts and business transactions of the public charter school in accordance with Board policies and charter agreement on purchasing and budget requirements (See policy DJ – Purchasing). The Board will provide for an annual audit of the public charter school’s assets.

The executive director will establish salaries and salary schedules, other terms and conditions of employment, and personnel policies for public charter school employees and will be approved by the Board.

The executive director will establish the days of the year and the hours of the day when school will be in session for approval by the Board.

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).630

[ORS 243](http://policy.osba.org/orsredir.asp?ors=ors-243).656

[ORS Chapters 279A](http://policy.osba.org/orsredir.asp?ors=ors-279a), [279B](http://policy.osba.org/orsredir.asp?ors=ors-279b) and [279C](http://policy.osba.org/orsredir.asp?ors=ors-279c)

[ORS 294](http://policy.osba.org/orsredir.asp?ors=ors-294).305 to -294.565

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS Chapter 339](http://policy.osba.org/orsredir.asp?ors=ors-339)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).315 to -339.327

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).351 to -339.364

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).370 to -339.400

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).866 to -339.873

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).883 to -339.885

**Cross Reference(s):**

**Molalla River Academy**

Code: BBAA

Adopted: 1/25/22

**Individual Board Member’s Authority and Responsibilities**

An individual Board member exercises the authority and responsibility of their position when the Board is in legal session only.

A Board member has the authority to act in the name of the Board when authorized by a specific Board motion. The affirmative vote of the majority of the Board members present is required to transact any business.

When expressing personal opinions in public, the Board member should clearly identify the opinions as their own.

Members will be knowledgeable of information requested through Board action, supplied by the executive director, gained through attendance at public charter school activities and through professional Board activities.

Members of the Board will adhere to the following in carrying out the responsibilities of membership:

1. Requests for Information

Any individual Board member who desires a copy of an existing written report or survey prepared by the administrative staff will make such a request to the executive director. A copy of the material may be made available to each member of the Board. Requests for the generation of reports or information, which requires additional expense to the school, must be submitted to the Board for consideration.

1. Requests for Legal Opinions

Requests for a legal advice or opinions by a Board member that will incur a cost for the public charter school, must be approved by a majority vote of the Board before the request is made to legal counsel. The Board chair is authorized to obtain legal advice or opinions if advantageous to do so prior to the next meeting (e.g., advice regarding an executive session or a decision to invite public charter legal counsel) without a need for Board approval. Legal counsel is responsible to the Board.

1. Action on Complaints or Requests Made to Board Members

When Board members receive complaints or requests for action from staff, students or members of the public, the Board members will direct the staff, students and members of the public to the appropriate complaint policy Board policy KL - Public Complaints. Such information will be conveyed to the executive director.

4. Board Member’s Relationship to Administration

Individual Board members will be informed about the school’s educational program, may visit the school or other school facilities to gain information, and may request information from the executive director’s. No individual Board member may direct the executive director’s to action without Board authorization. Board members will not intervene in the administration of the school.

5. Contracts or Agreements

All contracts of the public charter school must be approved by the Board, or as delegated to the executive director, before an order can be drawn for payment (See Board policy DJ – Purchasing). If a contract is made without authority of the Board, the individual making such contract shall be personally liable.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

**Cross Reference(s):**

BHD - Board Member Compensation and Expense Reimbursemen

**Molalla River Academy**

Code: BBF

Adopted: 1/25/22

**Board Member Standards of Conduct**

Individual 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 executive 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 executive director as the chief executive officer to whom the Board has delegated administrative authority to establish regulations and oversee the implementation of Board policy.

When a Board member expresses personal 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 and documents discussed in an executive session, confidential.

A Board member will not post confidential information or documents about students, staff or school business online, including but not limited to, on social media.

Board members will treat fellow other Board members, staff, students and the public with respect while posting online or to social media and will adhere to Oregon Public Meetings Laws, including when communicating with other Board members via websites or other electronic means.

A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately make an oral report by telephone or otherwise to the local Department of Human Services (DHS), to the designee of the department or to a local law enforcement within the county where the person making the report is located at the time of contact.

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).610 - 192.710

[ORS Chapter 244](http://policy.osba.org/orsredir.asp?ors=ors-chapter-244)

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 419B](http://policy.osba.org/orsredir.asp?ors=ors-419b).005

[ORS 419B](http://policy.osba.org/orsredir.asp?ors=ors-419b).010

[ORS 419B](http://policy.osba.org/orsredir.asp?ors=ors-419b).015

[Senate Bill 415 (2019)](https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB415/Enrolled)

**Cross Reference(s):**

BBFC - Reporting of Suspected Abuse of a Child

GBNAB\JHFE - Suspected Abuse of a Child Reporting Requirements

JHFE\GBNAB - Suspected Abuse of a Child Reporting Requirements

**Molalla River Academy**

Code: BBFA

Adopted: 1/25/22

**Board Member Ethics and Conflicts of Interest**

No Board member will use their official position or office to obtain personal financial benefit or to avoid financial detriment for themself, 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 Oregon Revised Statute (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: the Board member’s spouse[[12]](#footnote-11), parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the Board member; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the Board member. Relative also includes any individual for whom the Board member has a legal support obligation, whose employment provides benefits[[13]](#footnote-12) to the Board member, or who receives any benefit from the Board member’s public position.

“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.

No Board member will attempt to use or use for personal gain any confidential information gained through their 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 their 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.

“Relative”means: the spouse[[14]](#footnote-13), parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the Board member; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the Board member. Relative also includes any individual for whom the Board member has a legal support obligation, whose employment provides benefits[[15]](#footnote-14) to the Board member, or who receives any benefit from the Board member’s public employment.

“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.

1. 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:
   1. 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;
   2. 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
   3. The source calculates the actual amount spent on the Board member.
2. Upon request by the Board member, the source will give notice of the value of the merchandise, goods, or services received.
3. 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.
3. 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” to the Board member 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:
   1. 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:
         1. The Board member is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the public charter school; AND
            1. The giver is a unit of a:

Federal, state, or local government;

An Oregon or federally recognized Native American Tribe; OR

Nonprofit corporation.

* + - 1. The Board member is representing the public charter school:
         1. On an officially sanctioned trade-promotion or fact-finding mission; OR
         2. Officially designated negotiations or economic development activities *where receipt of the expenses is approved in advance by the Board.*
    1. 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.

1. 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;

1. 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(7)(b)(I)(i);
2. 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;
3. 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

**Legal Reference(s):**

[ORS 244](http://policy.osba.org/orsredir.asp?ors=ors-244).010 to -244.400

[OAR 199-005](http://policy.osba.org/orsredir.asp?ors=oar-199-005)-0001 to -199-010-0150

38 Or. Atty. Gen. Op. 1995 (1978)

Or. Ethics Comm’n, Or. Gov’t Ethics Law, A Guide for Public Officials.

**Cross Reference(s):**

BBF - Board Member Standards of Conduct

BBFB - Board Member Ethics and Nepotism

DJ - Purchasing

**Molalla River Academy**

Code: BBFB

Adopted: 1/25/22

**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 Oregon Revised Statute (ORS) Chapter 244.

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).

1. 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:

“Member of the household” means any person who resides with the Board member.

“Relative” means: the spouse[[16]](#footnote-15), parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the Board member; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the Board member. Relative also includes any individual for whom the Board member has a legal support obligation, whose employment provides benefits[[17]](#footnote-16) to the Board member, or who receives any benefit from the Board member’s public employment.

**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 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

**Legal Reference(s):**

[ORS 244](http://policy.osba.org/orsredir.asp?ors=ors-244).010 to -244.400

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659).309

[OAR 199-005](http://policy.osba.org/orsredir.asp?ors=oar-199-005)-0001 to -199-010-0150

Or. Ethics Comm’n, Or. Gov’t Ethics Law, A Guide for Public Officials.

**Cross Reference(s):**

BBFA - Board Member Ethics and Conflicts of Interest

**Molalla River Academy**

Code: BBFC

Adopted: 1/25/22

**Reporting of Suspected Abuse of a Child**

A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately notify the Oregon Department of Human Services (DHS) or local law enforcement pursuant to Oregon Revised Statute (ORS) 419B.015.

The Board member making a report of child abuse, as required by ORS 419B.010, shall make an oral report by telephone or otherwise to the local office of the Department of Human Services, to the designee of the department or to a law enforcement agency within the county where the Board member making the report is located at the time of the contact.

The report shall contain, if known: the names and addresses of the child and the parents of the child or other persons responsible for the care of the child; the child’s age; the nature and extent of the abuse, including any evidence of previous abuse; the explanation given for the abuse; and any other information that the Board member making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 419B](http://policy.osba.org/orsredir.asp?ors=ors-419b).005

[ORS 419B](http://policy.osba.org/orsredir.asp?ors=ors-419b).010

[ORS 419B](http://policy.osba.org/orsredir.asp?ors=ors-419b).015

[Senate Bill 415 (2019)](https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB415/Enrolled)

**Cross Reference(s):**

BBF - Board Member Standards of Conduct

GBNAB\JHFE - Suspected Abuse of a Child Reporting Requirements

JHFE\GBNAB - Suspected Abuse of a Child Reporting Requirements

**Molalla River Academy**

Code: BD/BDA

Adopted: 3/03/22

**Board Meetings**

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. “Meeting” means the convening of a quorum of the Board as the public charter school’s governing body to make a decision or to deliberate toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, i.e. a work session. The affirmative vote of a majority of those present is required to transact any business.

All regular, special and emergency meetings of the Board will be open to the public except as provided by law. Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. All meetings will be conducted in compliance with state and federal statutes. For information how to give or submit public comment it is outlined in Board policy BDDH - Public Comment at Board Meetings[[18]](#footnote-17) or posted on the school’s website.

All Board meetings, including Board retreats and work sessions, will be held within the geographic boundaries over which the Board has jurisdiction except as allowed by law[[19]](#footnote-18). The Board may attend training sessions outside these boundaries but cannot deliberate or discuss public charter school business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including those with disabilities, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they were not included in the notice.

If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for hearing-impaired persons. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice.

If requested to do so at least 72 hours before a meeting held in public, the Board will make a reasonable effort to provide translation services.

All meetings held in public shall comply with the Oregon Indoor Clean Air Act.

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

1. Regular, Special and Emergency Meetings

Generally, a regular Board meeting will be held each month. The regular meeting schedule will be established at the annual organizational meeting and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business.

Special meetings may be convened by the Board chair or by two members of the Board at any time to discuss any topic. A special meeting may also be scheduled if less than a quorum is present at a meeting or additional business still needs to be conducted at the ending time of the meeting. At least 24 hours’ notice must be provided to all Board members, the news media, which have requested notice, and the general public for any special meeting.

Emergency meetings can be called by the President with less than 24-hour notice in the case of an actual emergency upon appropriate notice under the circumstances. The minutes of the emergency meeting must describe the emergency. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

1. Communications Outside of Board Meetings

Communications, to, by and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of discussing public charter school business. This includes electronic communication. Electronic communications among Board members shall be limited to messages not involving deliberation, debate, decision-making or gathering of information on which to deliberate.

Electronic communications may contain:

* 1. Agenda item suggestions;
  2. Reminders regarding meeting times, dates and places;
  3. Board meeting agendas or information concerning agenda items;
  4. One-way information from Board members or the administrator to each Board member (e.g., an article on student achievement or to share a report on public charter school progress on goals);
  5. Individual responses to questions posed by community members, subject to other limitations in Board policy.

E-mails sent to other Board members will have the following notice:

*Important: Please do not reply or forward this communication if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a governing body which could be considered a public meeting. Electronic communications on public charter school business are governed by public meetings law.*

1. 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 public meetings law.

1. Work Sessions

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with state law on public meetings, including notice and minutes. [The Board may make official decisions during a work session.] Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.

1. Executive Sessions

Executive sessions may be held as an agenda item during regular, special or emergency meetings for a reason permitted by law.

END OF POLICY

**Legal Reference(s):**

[ORS 174](http://policy.osba.org/orsredir.asp?ors=ors-174).100

[ORS 174](http://policy.osba.org/orsredir.asp?ors=ors-174).104

[ORS Chapter 192](http://policy.osba.org/orsredir.asp?ors=ors-192)

[ORS Chapter 193](http://policy.osba.org/orsredir.asp?ors=ors-193)

[[ORS 255](http://policy.osba.org/orsredir.asp?ors=ors-255).335]

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).835 - 433.875

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

Or. Atty. Gen. Public Records and Meetings Manual.

Oregon House Bill 2560 (2021).

Oregon House Bill 3041 (2021).

**Cross Reference(s):**

ACA - Americans with Disabilities Act

BDC - Executive Sessions

**Molalla River Academy**

Code: BDC

Adopted: 1/25/22

**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 a student and matters pertaining to or examination of the confidential records of the student.

An executive session may be convened by order of the Board chair, upon request of three Board members or by common consent of the Board for a purpose authorized under Oregon Revised Statute (ORS) 192.660 during a regular, special or emergency meeting. 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.

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent.

(ORS 192.660(2)(a))

1. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing. (ORS 192.660(2)(b))
2. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))
3. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))
4. To consider information or records that are exempt by law from public inspection.

(ORS 192.660(2)(f))

1. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (ORS 192.660(2)(h))
2. To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

(ORS 192.660(2)(i))

1. To consider matters relating to school safety or a plan that responds to safety threats made toward a school. (ORS 192.660(k))
2. To review the expulsion of a minor student from a public elementary or secondary school.

(ORS 332.061(1)(a))

1. To discuss matters pertaining to or examination of the confidential records of a student. (ORS 332.061(1)(b))

Members of the press may attend executive sessions except those matters pertaining to:

1. Deliberations with persons designated by the Board to carry on labor negotiations;
2. Hearings on the expulsion of a minor student or examination of the confidential records of a student; and
3. 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.

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 records; the discussion; and each Board member’s vote on the issue.

Minutes shall be kept for all executive sessions.

Content discussed in executive sessions is confidential.

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).660

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

**Cross Reference(s):**

BD/BDA - Board Meetings

BDDG - Minutes of Board Meetings

CBG - Evaluation of the Executive Director

**Molalla River Academy**

Code: BDD

Adopted: 1/25/22

**Board Meeting Procedures**

1. Quorum

A quorum will consist of the majority of the Board members.

1. Vote Needed for Exercise of Powers

The affirmative vote of a majority of Board members present will be necessary for exercising any of the Board’s powers.

1. Board Member Voting

Each member’s vote on all motions will be recorded in the minutes.

1. Abstaining from Vote

If a Board member chooses to abstain from voting, and the abstention is due to a conflict of interest, the Board members will state the reason for the abstention and such abstention will be recorded.

1. Parliamentary Procedure

Official Board business will be transacted by motion or resolution at duly called regular or special meetings.

Except as otherwise provided by state law and/or Board policy, the rules of parliamentary procedure comprised in *Robert’s Rules of Order Newly Revised,* “*Procedure in Small Boards*” as modified by the Board will govern the Board in its deliberation. Modifications will include the following: Motions will all be seconded prior to consideration for discussion by the Board and motions to close or limit debate will be acceptable.

The Board chair will decide all questions relative to points of order, subject to an appeal to the Board.

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).650

[ORS 244](http://policy.osba.org/orsredir.asp?ors=ors-244).120(2)

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

38 Or. Atty. Gen. Op. 1995 (1978)

41 Or. Atty. Gen. Op. 28 (1980)

**Molalla River Academy**

Code: BDDC

Adopted: 1/25/22

**Board Meeting Agenda**

The Board chair, with the assistance of the executive 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 school community member of the public charter school by notifying the executive director or Board chair 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 on the agenda. 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 executive 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 executive 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 on the school website by the day of the meeting. Members of the public may request a copy of the agenda through the school office.

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, but are not limited to, qualified interpreters, assistive listening systems, note takers, large print, Braille materials, audio recordings and readers. Primary consideration will be given to the requests of the person with a disability in the selection of the appropriate auxiliary aid and/or service. Should the Board demonstrate such request would result in a fundamental alteration in the service, program or activity or an undue financial and administrative burden, an 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

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).630

[ORS 192](http://policy.osba.org/orsredir.asp?ors=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.

**Cross Reference(s):**

BDDG - Minutes of Board Meetings

BDDH - Public Comment at Board Meetings

**Molalla River Academy**

Code: BDDG

Adopted: 1/25/22

**Minutes of Board Meetings**

The Board secretary will take written minutes of all Board meetings. The written minutes will be a true reflection of the matters discussed at the meeting and the views of the participants. The minutes will include, but not be limited to, the following information:

1. All members of the Board who were present;
2. All motions, proposals, resolutions, orders and measures proposed and their disposition;
3. The results of all votes and the vote of each member by name;
4. The substance of any discussion on any matter;
5. Any other information required by law.

All minutes shall be available to the public within a reasonable time. The public and patrons of the public charter school may receive, upon request, copies of minutes from the school office. A copy of the minutes of each regular and special Board meeting as they are drafted for approval will be distributed after such meeting to each Board member and administrator.

The public charter school will maintain a hard copy[[20]](#footnote-19) of the meeting minutes and make them available to staff and other interested patrons.

Minutes of executive sessions will be kept in accordance with the requirements of Oregon’s Public Meetings Law with essentially the same level of detail as for public sessions. If disclosure of material in the executive session minutes would be inconsistent with the purpose for which executive session was held under Oregon Revised Statute (ORS) 192.660, the material may be withheld from disclosure.

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

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).610 - 192.710

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

Letter Opinion, Office of the OR Attorney General (Nov. 20, 1970)

**Molalla River Academy**

Code: BDDH

Adopted: 1/25/22

**Public Comment at Board Meetings**

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites the school community members to attend Board meetings to become acquainted with the program and operation of the public has a right to attend public meetings held in open session, and may be invited to share comments, ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment.

Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings and submit written comments to the Board. Individuals requesting assistance, aids or accommodations are encouraged to notify the public charter school at least 48 hours prior to the Board meeting with the request, consistent with Board policy BD/BDA – Board Meetings.

**Procedures for Oral Public Comment**

The Board establishes the following procedures for public comment at Board meetings held in open session. The information will be accessible and available to all patrons accessing or attending such a Board meeting.

1. Public comment is limited to its designated place on the agenda and while time allows.
2. A person wishing to provide public comment, if an opportunity is provided by the Board during a meeting open to the public, will submit their name electronically or do so as directed prior to the Board meeting.[[21]](#footnote-20) A request to give public comment in-person or electronically does not guarantee time will be available.
3. A person speaking during the public comment portion of the meeting may comment only on agenda items.
4. A person speaking during the public comment portion of the meeting should state their name, whether they are a resident of the district, and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.
5. A person giving public comment is limited to an established time limit of three minutes. Statements should be brief and concise. The Board chair has discretion to waive time limits or extend the overall time allotted for public comment. Additional time will be allocated in a fair and equitable manner. If a person has more comments than time allows or is unable to comment due to time constraints, the person is encouraged to submit additional written comments to the Board through the school office as directed.
6. Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the Board chair, and may be referred to the administrator for reply at a later date.
7. The Board will not respond to inquiries that are expected to be addressed during another designated portion of the agenda.

The Board will not hear public comment at Board work sessions.

Topics raised during the public comment portion may be considered for inclusion as agenda items at future Board meetings.

**Procedures for Written Comment**

Members of the public may submit written comments or materials to the Board at any time at the school office, by mail or by email to board@mra-k8.com. Materials or comments submitted at least 72 hours in advance of a Board meeting will be provided to the Board before the Board meeting, and may be read at the Board meeting. Written materials or comments submitted may not warrant action by the Board.

**Comments Regarding Staff Members**

A person speaking during the designated portion of the agenda for public comment may offer objective criticism of public charter school operations and programs. The Board will not hear comments regarding any individual school staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. A commendation involving a staff member should be sent to the executive director, who will forward it to the employee, a supervisor and the Board.

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).610 - 192.690

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

*Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719 (C.D. Cal. 1996).

*Leventhal v. Vista Unified Sch. Dist.*, 973 F. Supp. 951 (S.D. Cal. 1997).

Oregon House Bill 2560 (2021).

**Cross Reference(s):**

BDDC - Board Meeting Agenda

**Molalla River Academy**

Code: BDDH-AR

Revised/Reviewed: 3/03/22

**Public Comment at Board Meetings**

The Board requests that a public comment add information or a perspective that has not already been mentioned previously, and that the patron refrains from repeating a similar point.

To provide public comment in person, if the opportunity is available on the Board agenda, please submit their name electronically or do so as directed prior to the meeting. Those attending virtually and want to provide public comment should notify the Board secretary prior to the start of the meeting or as directed.

Any person, who is allowed to speak to the Board during a meeting, should state their name, whether they are a resident of the district and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

Comments about a specific employee or group of employees should comply with Board policy BDDH - Public Comment at Board Meetings:

“A person speaking during the designated portion of the agenda for public comment may offer objective criticism of public charter school operations and programs. The Board will not hear comments regarding any individual public charter school staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. A commendation involving a staff member should be sent to the executive director, who will forward it to the employee, a supervisor and the Board.”

***See form on reverse***

**Intent to Speak**

The Board welcomes input. To provide in-person public comment please submit this completed card to the Board secretary prior the start of the meeting.

Name: Phone:

Name of organization (if applicable):

Address:

Email (optional):

Topic or comment to be presented (brief description):

A complaint brought before the Board shall be referred to the proper school authorities. A complaint shall be processed in accordance with Board policy KL - Public Complaints and KL-AR - Public Complaints Procedure. A hearing conducted by the Board regarding personnel may take place in an executive session.

**The Board requests that a topic or comment is limited to three minutes or less.**

**Molalla River Academy**

Code: BFC

Adopted: 1/25/22

**Adoption and Revision of Policies**

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

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

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

When additions, deletions or amendments are made to Board policy, the addition, deletion or amendment will carry the adoption date and the corrected copy will be published at the earliest opportunity.

The operation of any single policy, section or sections of policies not established by law may be temporarily suspended by a majority vote of the Board at a regular or special meeting.

The policy manual will be regularly reviewed to keep it current.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

**Molalla River Academy**

Code: BFCA

Adopted: 1/25/22

**Administrative Regulations (AR)**

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

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

When approved by the executive director, administrative regulations shall be distributed to the Board and the staff as appropriate.

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

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

**Molalla River Academy**

Code: BHD

Adopted: 1/25/22

**Board Member Compensation and Expense Reimbursement**

No Board member will receive any compensation for services other than reimbursement for approved expenses actually incurred on public charter school business. Such expenses may include the cost of attendance at meetings, conferences or visitations when such attendance has been approved by the Board.

When paid admission is required of the public, Board members may be reimbursed for attending school events and other activities when their attendance is consistent with board responsibilities and school operations. The public charter school will establish accounting procedures consistent with this policy.

END OF POLICY

**Legal Reference(s):**

[ORS 244](http://policy.osba.org/orsredir.asp?ors=ors-244).020

[ORS 244](http://policy.osba.org/orsredir.asp?ors=ors-244).040

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).018(3)

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

Or. Gov’t Standards and Practices Comm’n, Staff Opinion 02S-015 (May 20, 2002).

Or. Gov’t Standards and Practices Comm’n, Staff Opinion 03S-015 (Sept. 11, 2003).

**Cross Reference(s):**

BBAA - Individual Board Member’s Authority and Responsibilities

DLC - Expense Reimbursements

**Molalla River Academy**

Code: BHE

Adopted: 1/25/22

**Board Member Liability Insurance**

The public charter school will purchase liability insurance and errors-and-omissions insurance to protect its school board members individually and collectively from claims made against them as a result of official Board actions taken in the course of official duties.

END OF POLICY

**Legal Reference(s):**

[ORS 30](http://policy.osba.org/orsredir.asp?ors=ors-030).260 to -30.300

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

**Molalla River Academy**

Code: CB

Adopted: 1/25/22

**Executive Director**

The executive director is designated as the public charter school chief executive officer. Under the Board’s direction, the executive director exercises general supervision of the public charter school and personnel. The executive director is responsible for managing the public charter school under the Board’s policies and is accountable to the Board for that management.

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

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

**Cross Reference(s):**

CBG - Evaluation of the Executive Director

**Molalla River Academy**

Code: CBB

Adopted: 1/25/22

**Recruitment and Appointment of the Executive Director**

The Board considers foremost among its responsibilities, the selection and appointment of an executive director who can effectively translate into action, the Board’s policies and the community’s aspirations for its public charter school.

To provide the most capable leadership available for the public charter school, the Board may engage in a search for applicants for the position of executive director whenever a vacancy in that position occurs.

The Board may seek the advice and counsel of interested individuals or of an advisory committee, or it may hire consultants to assist in screening candidates to encourage the filing of applications by professionals who meet the qualifications. Final selection will rest with the Board after a thorough consideration of qualified applicants.

The Board will appoint the executive director by a majority vote of the Board members at a meeting for which notice has been given of the intended action.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

**Cross Reference(s):**

CBC - Executive Director Contract

**Molalla River Academy**

Code: CBC

Adopted: 3/03/22

**Executive Director Contract**

The executive director, upon appointment by the Board, will receive a written contract which will state the terms of employment such as compensation, benefits and other conditions.

The compensation and benefits for the position of executive director will be fixed by the Board and based upon the responsibilities required of the executive director in performing their duties. The Board may not enter into an employment contract that contains provisions that expressly obligate the public charter school to compensate the executive director for work that is not performed.

Provisions for termination of the executive director’s employment, either by the Board or the executive director, will also be set forth in the executive director’s employment contract.

For a period of one year after termination of the contract, the executive director may not:

1. Purchase property or surplus property owned by the public charter school; or
2. Use property owned by the public charter school in a manner other than the manner permitted for the general public.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).549

**Cross Reference(s):**

CBB - Recruitment and Appointment of the Executive Director

**Molalla River Academy**

Code: CBG

Adopted: 1/25/22

**Evaluation of the Executive Director**

The executive director’s job performance will be evaluated formally annually. Additional criteria for the evaluation, if any, will be developed prior to conducting the evaluation. The executive director will be notified of the additional criteria prior to the evaluation.

The Board’s discussion and conferences with and about the executive director and their performance will be conducted in an executive session, unless the executive director requests a session open to the public. Such an executive session will not include a general evaluation of any public charter school goal, objective or operation. Results of the evaluation will be written and placed in the executive director’s personnel file.

At the Board’s discretion, it may notify the executive director in writing of specific areas to be remedied, and the executive director may be given an opportunity to correct the problem(s). Where the Board provided written notice pursuant to the prior sentence, if the Board determines the executive director’s performance remains unsatisfactory, the Board may dismiss or non-renew the executive director’s pursuant to Board policy, the executive director’s employment contract and state law and rules. In those situations where the executive director’s employment contract includes an evaluation, dismissal or non-renewal provision, it shall take precedent over this policy.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

**Cross Reference(s):**

BDC - Executive Sessions

CB - Executive Director

**Molalla River Academy**

Code: CCG

Adopted: 1/25/22

**Evaluation of Administrators**

The executive director will implement and supervise an evaluation system for administrative personnel. The purpose of administrator evaluations is to assist the executive director with developing and strengthening their professional abilities, to improve the instructional program and to improve the management of the public charter school system, and for supervisors to make recommendations regarding their employment and/or salary status.

A formal evaluation will be conducted each year. The evaluation shall be conducted according to the following guidelines:

1. Evaluative criteria for each position will be in written form and made available to the administrator;
2. Evaluations will be made by the administrator and/or a qualified, licensed designee;
3. Evaluations will be in writing and discussed with the administrator by the person who conducts the evaluation; and
4. The administrator being evaluated will have the right to attach a memorandum to the written evaluation, and have the right of appeal through established grievance procedures, if applicable.

The executive director’s evaluation shall use the following educational leadership-administrator standards[[22]](#footnote-21) adopted by the State Board of Education.

1. Visionary leadership;
2. Instructional improvement;
3. Effective management;
4. Inclusive practice;
5. Ethical leadership; and
6. Socio-political context.

Administrator evaluations shall be based on the core administrator standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with the administrators and any exclusive bargaining representative of the administration

Local evaluation and support systems established by the public charter school for administrators must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Consideration of multiple measures of administrator practice and responsibility which may include, but are not limited to:
   1. Classroom-based assessments including observations, lesson plans and assignments;
   2. Portfolios of evidence:
   3. Supervisor reports; and
   4. Self-reflections and assessments.
3. Consideration of evidence of student academic growth and learning based on multiple measures of student progress including performance data of students, schools and districts that is both formative and summative. Evidence may also include other indicators of student success;
4. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities, and student learning and growth to determine the administrator’s professional growth path;
5. Customized by the public charter school, which may include individualized weighting and application of the standards.

An evaluation using the administrator standards must attempt to:

1. Strengthen the knowledge, skills, disposition and administrative practices of the administrators;
2. Refine the support, assistance and professional growth opportunities offered to the administrator, based on the individual needs of the administrator and the needs of the student and the public charter school(s);
3. Allow the administrator to establish a set of administrative practices and student learning objectives that are based on the individual circumstances of the administrator, including other assignments of the administrator;
4. Establish a formative growth process for each administrator that supports professional learning and collaboration with other administrators;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the administrator; and
6. Address ways to help all educators strengthen their culturally responsive practices.

Evaluation and support systems established by the public charter school must evaluate administrators on a regular cycle. The administrator shall regularly report to the Board on the implementation of the evaluation and support systems and educator effectiveness

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).660(2), (8)

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).815 to- 342.934

Hanson v. Culver Sch. Dist. (FDAB 1975)

**Molalla River Academy**

Code: CHCA

Adopted: 3/29/22

**Handbooks**

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

The contents of all handbooks must conform with the public charter school charter agreement, board policies and administrative regulations. The publication shall bear the name of the public charter school and be of a quality that reflects favorably on the school. The Board expects all handbooks to be approved by the executive director before publication. Any change to the school’s uniform policy included in the handbook must be approved by the Board.

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

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

**Molalla River Academy**

Code: DB

Adopted: 1/25/22

**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 compliance with Generally Accepted Accounting Principles.

The fiscal year will extend from July 1 to June 30 inclusive.

The executive director will be designated as budget officer and will prepare the budget document.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

Or. Dep’t of Educ, Program Budget and Accounting Manual (2006).

**Molalla River Academy**

Code: DD

Adopted: 1/25/22

**Grant 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 executive director 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 executive director is authorized to use their judgment in approving it for submission. The executive director 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

**Legal Reference(s):**

[ORS 294](http://policy.osba.org/orsredir.asp?ors=ors-294).305 to -294.565

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

**Molalla River Academy**

Code: DE

Adopted: 1/25/22

**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

**Legal Reference(s):**

[ORS 294](http://policy.osba.org/orsredir.asp?ors=ors-294).305 to -294.565

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

**Molalla River Academy**

Code: DFA

Adopted: 1/25/22

**Investment of Funds**

The Board may authorize the investment or reinvestment of funds which are not immediately needed for the operation of the public charter school.

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

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

**Molalla River Academy**

Code: DGA

Adopted: 3/03/22

**Authorized Signatures**

The Board will, at its annual organizational meeting, or at other times deemed necessary by the Board, authorize the executive director or designee to sign public charter school checks. The Board may authorize the use of facsimile signatures by those persons authorized to sign public charter school checks.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

**Molalla River Academy**

Code: DH

Adopted: 1/25/22

**Loss Coverage**

The Board and designated school employees are responsible to safeguard the public charter school against loss regarding funds, fees, cash collections and inventory. The Board shall designate the school employees responsible as custodians of such items. The public charter school shall purchase bond coverage or equivalent crime coverage in an amount determined by the Board, in consultation with the district’s agent of record. The school will pay the cost of such coverage.

END OF POLICY

**Legal Reference(s):**

[ORS 328](http://policy.osba.org/orsredir.asp?ors=ors-328).441

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).525

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2),(13)

**Molalla River Academy**

Code: DI

Adopted: 1/25/22

**Fiscal Accounting and Reporting**

The public charter school’s accounting and reporting system will be in accordance with generally accepted accounting principles and will conform with applicable state laws and regulations.

END OF POLICY

**Legal Reference(s):**

[ORS 294](http://policy.osba.org/orsredir.asp?ors=ors-294).305 to -294.565

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[OAR 581-023](http://policy.osba.org/orsredir.asp?ors=oar-581-023)-0035

Or. Dep’t of Educ, Program Budget and Accounting Manual.

**Molalla River Academy**

Code: DIC

Adopted: 1/25/22

**Financial Reports and Statements**

The Board will receive monthly 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 executive director.

The Board may receive a preaudit report from the public charter school’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 executive director will notify the Board at any time of substantial deviations in the anticipated revenues and/or expenditures.

END OF POLICY

**Legal Reference(s):**

[ORS 294](http://policy.osba.org/orsredir.asp?ors=ors-294).155

[ORS 294](http://policy.osba.org/orsredir.asp?ors=ors-294).311

[ORS Chapter 297](http://policy.osba.org/orsredir.asp?ors=ors-297)

[ORS 328](http://policy.osba.org/orsredir.asp?ors=ors-328).465

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).095(2)

[OAR 162-010](http://policy.osba.org/orsredir.asp?ors=oar-162-010)-0000 to -0330

[OAR 162-040](http://policy.osba.org/orsredir.asp?ors=oar-162-040)-0000 to -0160

[OAR 581-023](http://policy.osba.org/orsredir.asp?ors=oar-581-023)-0037

Or. Dep’t of Educ, Program Budget and Accounting Manual.

**Cross Reference(s):**

DIE - Audits

**Molalla River Academy**

Code: DIE

Adopted: 1/25/22

**Audits**

An audit of all public charter school accounts will be made annually by an accountant selected by the Board from the roster of authorized municipal accountants maintained by the Oregon Board of Accountancy. The audit examination will be conducted in accordance with minimum auditing standards established by the Secretary of State.

Every three years the Board will review the contract with the audit firm, and if necessary, solicit request for proposals from authorized municipal accountants.

A copy of the audit report will be presented to the Board. The executive director will submit a copy of the audit report to the school’s sponsor and the Oregon Department of Education.

END OF POLICY

**Legal Reference(s):**

[ORS 294](http://policy.osba.org/orsredir.asp?ors=ors-294).155

[ORS Chapter 297](http://policy.osba.org/orsredir.asp?ors=ors-297)

[ORS 327](http://policy.osba.org/orsredir.asp?ors=ors-327).137

[ORS 328](http://policy.osba.org/orsredir.asp?ors=ors-328).465

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).095(2)

[OAR 581-023](http://policy.osba.org/orsredir.asp?ors=oar-581-023)-0037

[OAR 581-026](http://policy.osba.org/orsredir.asp?ors=oar-581-026)-0210

**Cross Reference(s):**

DIC - Financial Reports and Statements

**Molalla River Academy**

Code: DJ

Adopted: 1/25/22

**Purchasing**

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

The executive director is appointed by the Board to serve as purchasing agent. The executive director will be responsible for developing and administering the public charter school’s purchasing program.

No obligation may be incurred by any officer or employee of the Board unless that expenditure has been authorized in the budget, by Board action and/or Board policy. In all cases calling for the expenditure of public charter school money, except payroll, a purchase order system must be used.

No purchase will be authorized unless covered by an approved purchase order. No bills will be approved for payment unless purchases were made with an approved purchase order.

The director or designee is authorized to enter into and approve payment on contracts obligating public charter school funds not to exceed $ 150,000 for products, materials, supplies, capital outlay and services that are within current budget appropriations. The Board shall approve all contracts that are service contracts that include the provision of labor performed by public charter school employees, such as custodial, food service and transportation services.

The executive director will review bills due and payable for the purchase of supplies and services to determine if they are within current budget appropriations. After review, the executive director will direct payment of the just claims against the public charter school. The executive director and bookkeeper are responsible for the accuracy of all bills and vouchers.

No Board member, officer, employee or agent of this public charter school shall use or attempt to use their official position to obtain financial gain or for avoidance of financial detriment for themself, a relative or a member of their household, or for any business with which the Board member, relative or member of household is associated. Acceptance of any gratuities, financial or otherwise, from any supplier of materials or services to the public charter school by any Board member, officer or employee of the public charter school is prohibited.

END OF POLICY

**Legal Reference(s):**

[ORS 244](http://policy.osba.org/orsredir.asp?ors=ors-244).040

[ORS Chapters 279](http://policy.osba.org/orsredir.asp?ors=ors-279), [279A](http://policy.osba.org/orsredir.asp?ors=ors-279a), [279B](http://policy.osba.org/orsredir.asp?ors=ors-279b), [279C](http://policy.osba.org/orsredir.asp?ors=ors-279c)

[ORS 294](http://policy.osba.org/orsredir.asp?ors=ors-294).311

[ORS 328](http://policy.osba.org/orsredir.asp?ors=ors-328).441 to -328.470

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[OAR 125-025](http://policy.osba.org/orsredir.asp?ors=oar-125-025)-0040

**Cross Reference(s):**

BBA - Board Powers and Duties

BBFA - Board Member Ethics and Conflicts of Interest

DJC - Bidding Requirements

**Molalla River Academy**

Code: DJ-AR

Revised/Reviewed: 1/25/22

**Expenditure of Funds for Meals, Refreshments and Gifts**

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

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

**Meals and Refreshments**

Public charter school funds may be used to pay for individual or group meals only if official public charter school business is being conducted during the time in which the meal is provided and only if the meal provides a particularly practical time or setting for the discussion, consistent with Board policy and the following:

1. Meals may be provided by the public charter school to recognize the contributions of staff, through retirement dinners or other recognition events;
2. Meals may be provided by the public charter school as a part of Board or administrative work sessions, at public charter school committee meetings or other public charter school-approved activities.

Meals not directly business related may be provided to staff or others at the individual’s expense only.

Board members and administrative staff may use public charter school funds to provide refreshments for staff, parents or others at meetings, in-service programs or other similar public charter school-sponsored activities, not to exceed $15 per participant and subject to the following additional requirements:

1. The purchase of alcoholic beverages with public charter school funds is strictly prohibited;
2. The use of public charter school monies for parties is prohibited.

**Gifts**

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

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

**Molalla River Academy**

Code: DJC

Adopted: 1/25/22

**Bidding Requirements**

The Board is the Local Contract Review Board (LCRB) for the public charter school. All public contracts shall be invited in accordance with applicable competitive procurement provisions of the Oregon Revised Statutes and the adopted public contracting rules.

The Board, acting as its own LCRB, adopts the *Oregon Attorney General’s Model Public Contract Rules*, Oregon Administrative Rule (OAR) Chapter 137, Divisions 046 through 049 in effect at the time this policy is adopted.

The public charter school shall procure the construction manager/general contractor services in accordance with model rules the Attorney General adopts under Oregon Revised Statute (ORS) 279A.065(3).

Additionally, the Board may include as part of its rules portions of the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246-249 in effect at the time this policy is adopted.

The Board may make the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the public charter school and made available on request.

The public charter school shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065(6)(b), to determine whether any modifications need to be made to public charter school rules to ensure compliance with statutory changes. New rules, as necessary, shall be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required.

The Board, acting as the LCRB, may enact a resolution that authorizes the public charter school to designate a public improvement as a community benefit contract per the requirements included in ORS 279C.300 to 279C.470.

Procurements for services estimated to be in excess of $250,000 shall go through the cost analysis and feasibility process described in ORS 279B.

END OF POLICY

**Legal Reference(s):**

ORS Chapters [279](http://policy.osba.org/orsredir.asp?ors=ors-279), [279A](http://policy.osba.org/orsredir.asp?ors=ors-279a), [279B](http://policy.osba.org/orsredir.asp?ors=ors-279b) and [279C](http://policy.osba.org/orsredir.asp?ors=ors-279c)

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[OAR Chapter 125](http://policy.osba.org/orsredir.asp?ors=oar-125-246), Divisions 246-249

Or. Dep’t of Justice, Or. Att’y General’s Model Public Contract Rules Manual.

**Cross Reference(s):** DJ - Purchasing

**Molalla River Academy**

Code: DLC

Adopted: 1/25/22

**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 executive director and consistent with Internal Revenue Service requirements.

END OF POLICY

**Legal Reference(s):**

[ORS 294](http://policy.osba.org/orsredir.asp?ors=ors-294).155

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2660

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.

**Cross Reference(s):**

BHD - Board Member Compensation and Expense Reimbursement

EEBB - Use of Private Vehicles for Public Charter School Business

**Molalla River Academy**

Code: DLC-AR

Revised/Reviewed: 1/25/22

**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 approval from the executive director.

**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 their 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 annually. 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 approval from the executive director. 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 executive director.
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. Reservations will be made by the office manager. Any exception must be approved by the executive director.
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.

**Canceled Trips**

1. If an employee cannot leave at the scheduled time, it is their responsibility to call the office manager and arrange to have the tickets canceled or exchanged.
2. Commercial carrier reservation cancellations must be made at least 24 hours before departure time, whenever possible.
3. Lodging reservations must be canceled by the office manager as soon as possible to avoid a cancellation charge.
4. If a trip is canceled after an advance and/or tickets have been issued, the advance and tickets must be returned to the 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:
   1. Time delays related to approved public charter school business are charged as working time even if no work is performed;
   2. 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, they must pay the additional cost (e.g., increased fare, meals, lodging expenses, etc.) incurred as a result of the personal travel;
   3. All subsistence and local transportation (e.g., taxi, vehicle fare, etc.) while on vacation status or other appropriate leave must be paid by the employee;
   4. 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 they spend 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;
   5. A traveler who decides on their 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 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 executive director or designee 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.
   1. If the completed travel expense report totals less than the travel advance, the difference must be returned within 10 working days to the school office with the report.
   2. 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 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:
   1. The names of guests;
   2. The organizations involved;
   3. 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 30 calendar days of incurring the expense. Reimbursement claims later than 30 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 their 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 following limitations:

Allowance: Breakfast $11

Lunch $12

Dinner $23

1. Gratuities must not exceed 20 percent and must be included as a part of the receipt. Gratuities in excess of 20 percent are the responsibility of the employee and will not be reimbursed by the public charter school.
2. 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.
3. Mileage reimbursement for actual miles traveled on public charter school business, may be approved subject to the following limitations:
   1. Mileage reimbursement will not be granted to an employee, other than a public charter school-approved tutor, for traveling from personal residence to the place where work begins for the day or for returning home from the last place worked during the day;
   2. 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;
   3. 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;
   4. 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;
   5. Individuals requesting reimbursement for use of a private vehicle on approved school business must meet insurance requirements. See **Insurance Coverage** above.
4. Lodging will be reimbursed at reasonable commercial rates.
5. 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.

**Molalla River Academy**

Code: DN

Adopted: 1/25/22

**Disposal of 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 school that were purchased with public funds shall be given to the State Board of Education.

If the public charter school property was purchased with state, federal or private grant funds disposal of the property shall be made as outlined in the grant or by state or federal regulations.

END OF POLICY

**Legal Reference(s):**

[ORS 279B](http://policy.osba.org/orsredir.asp?ors=ors-279B).055

[ORS Chapters 279A](http://policy.osba.org/orsredir.asp?ors=ors-279a), [279B](http://policy.osba.org/orsredir.asp?ors=ors-279b) and [279C](http://policy.osba.org/orsredir.asp?ors=ors-279c)

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).155

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).105(6)

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

Education, Title 34 C.F.R. Part 80 § 80.32(e)

**Molalla River Academy**

Code: EB

Adopted: 1/25/22

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

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(y)

[ORS 654](http://policy.osba.org/orsredir.asp?ors=ors-654).003 to -654.022

[OAR 437-001](http://policy.osba.org/orsredir.asp?ors=oar-437-001)-0760

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0020 to -0081

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0100

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0140

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0144

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0145

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0180 to -0182

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0260 to -0268

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0360

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0368

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0377

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0390

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0391

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2030

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2225

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

Toxic Substances Control Act, 15 U.S.C. §§ 2601-2629 (2012); Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. §§ 2641-2656 (2012).

**Cross Reference(s):**

EBAC - Safety Committee

EBB - Integrated Pest Management

JHF - Student Safety

**Molalla River Academy**

Code: EBAC

Adopted: 1/25/22

**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 executive director will coordinate the public charter school’s safety committee efforts and maintain all necessary records.

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

END OF POLICY

**Legal Reference(s):**

[ORS 654](http://policy.osba.org/orsredir.asp?ors=ors-654).176

[ORS 654](http://policy.osba.org/orsredir.asp?ors=ors-654).182

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(y)

[OAR 437-001](http://policy.osba.org/orsredir.asp?ors=oar-437-001)-0765

**Cross Reference(s):**

EB - Safety Program

**Molalla River Academy**

Code: EBAC-AR

Revised/Reviewed: 3/29/22

**Safety Committee**

**Safety Officer**

The executive director shall designate a safety officer. The safety officer shall:

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

**Safety Committee**

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

The safety committee shall be composed of an equal number of employer and employee representatives. If both parties agree, the committee may have more employee-elected representatives or volunteer members (other stakeholders). The committee will consist of no fewer than four members in accordance with law.

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

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

The safety committee will:

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

Duties of the safety committee will include:

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

**Degree of Authority**

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

**Molalla River Academy**

Code: EBB

Adopted: 1/25/22

**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)[[23]](#footnote-22) 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:
   1. Protect the health and safety of students and staff;
   2. Protect the integrity of public charter school buildings and grounds;
   3. Maintain a productive learning environment; and
   4. 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.
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 assistant executive 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:
   1. A copy of the label;
   2. A copy of the Safety Data Sheet (SDS);
   3. The brand name and U.S. Environmental Protection Agency (USEPA) registration number of the product;
   4. The approximate amount and concentration of pesticide applied;
   5. The location of where the pesticide was applied;
   6. The type of application and whether the application was effective;
   7. The name(s) of the person(s) applying the pesticide;
   8. The pesticide applicator’s license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
   9. The dates and times for the placement and removal of warning signs; and
   10. Copies of all required notices given, including the dates the IPM Coordinator gave the notices
9. Respond to inquiries about the IPM plan and refer complainants to public charter school Board policy KL - Public Complaints;
10. Conduct outreach to public charter school staff about the public charter school’s IPM plan.

END OF POLICY

**Legal Reference(s):**

[ORS 634](http://policy.osba.org/orsredir.asp?ors=ors-634).116

[ORS 634](http://policy.osba.org/orsredir.asp?ors=ors-634).700 to -634.750

**Cross Reference(s):**

EB - Safety Program

**Molalla River Academy**

Code: EBBA

Adopted: 1/25/22

**First Aid\*\***

In cases of sudden illness or injury to a student or staff member, first aid will be given by school staff. Further medical attention for a student is the responsibility of the student’s parent(s), or of someone the parent(s) designate in the case of an emergency.

The executive director is charged with providing for the immediate care of ill or injured persons within their area of responsibility.

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

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

Designated employees in each building shall hold current first-aid cards. In compliance with Oregon Administrative Rules, the public charter school shall have, at a minimum, at least one staff member with a current first-aid card for every 60 students enrolled.

END OF POLICY

**Legal Reference(s):**

[ORS 30](http://policy.osba.org/orsredir.asp?ors=ors-030).800

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(y)

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0042

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0120 to -0139

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0161

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0360

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0377

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2050

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2220

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2225

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0003(37)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0220(3)(B)(iii)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0320(5)(b)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0420(2)(f)(B)

**Molalla River Academy**

Code: EBBB

Adopted: 1/25/22

**Injury/Illness Reports**

All injuries/illnesses, sustained by the employee while in the actual performance of the duty of the employee, occurring on public charter school premises, in public charter school vehicles, at a public charter school-sponsored activity or involving staff members who may be elsewhere on public charter school business will be reported immediately to a supervisor. All accidents involving students, visiting publics or school property will be reported to the executive director.

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

In the event of a work-related[[24]](#footnote-23) illness or injury to an employee resulting in overnight hospitalization for medical treatment[[25]](#footnote-24) other than first aid, the safety officer shall report the incident to the Oregon Occupational Safety and Health Division (OR-OSHA). This report will be made within 24 hours after notification to the public charter school of an illness or injury. Fatalities or catastrophes[[26]](#footnote-25) shall be reported to OSHA within eight hours.

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

The safety officer will maintain records and reports on serious injuries/illnesses, including accidents involving public charter school property or employees, students or visiting publics, and periodic statistical reports on the number and types of injuries/illnesses occurring in the public charter school, as well as on the measures being taken to prevent such injuries/illnesses in the future.

The records will include monthly reporting information and an analysis of the data and trends will be conducted at least annually. Such reports will be submitted to the Board for review annually.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(y)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).309

[OAR 437-001](http://policy.osba.org/orsredir.asp?ors=oar-437-001)-0015

[OAR 437-001](http://policy.osba.org/orsredir.asp?ors=oar-437-001)-0700

[OAR 437-001](http://policy.osba.org/orsredir.asp?ors=oar-437-001)-0760

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2225

**Molalla River Academy**

Code: EBC

Adopted: 1/25/22

**Emergency Plans**

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

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

Copies of the Emergency Procedures Plan will be available in every school office and other strategic locations throughout the public charter school. Parents will be informed of the school’s plan for the care of students during an emergency situation. The Board may use Oregon Revised Statute (ORS) 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward the public charter school.

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).660(2)(k)

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(y)

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).260

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).441

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0161

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2220

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2225

**Molalla River Academy**

Code: EBCB

Adopted: 1/25/22

**Emergency Drills and Instruction**

The executive 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 tsunami hazard 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.

**Fire Emergencies**

The public charter school will conduct monthly fire drills. At least one fire drill will be held within the first 10 days of the school year. Drills and instruction on fire emergencies shall include routes and methods of exiting the school building.

**Earthquake Emergencies**

At least two drills on earthquakes shall be conducted each year.

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.

**Safety Threats**

At least two drills on safety threats shall be conducted each year.

Drills and instruction on safety threats shall include procedures related to lockdown, lockout, shelter in place and evacuation and other appropriate actions to take when there is a threat to student safety.

The Board may use Oregon Revised Statute (ORS 192.660(2)(k) to conduct an executive session to consider matters relating to school safety or a plan that responds to safety threats made toward the school.

Local units of government and state agencies associated with emergency procedures training and planning shall review the emergency procedures and assist the school with the instruction and the conducting of drills for students in these emergency procedures.

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).660(2)(k)

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).071

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(y)

[ORS 476](http://policy.osba.org/orsredir.asp?ors=ors-476).030(1)

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2225

Oregon State Fire Marshal, Oregon Fire Code (2014).

**Molalla River Academy**

Code: EBCD

Adopted: 1/25/22

**Emergency Closures\*\***

In case of hazardous or emergency conditions, the executive director may alter public charter school schedules as are appropriate to the particular condition. Such alterations include closure of school, delayed opening of school and early dismissal of students.

The executive director will develop and maintain such plans and procedures as are necessary to carry out alternate school schedules.

At the beginning of each school year students, parents and staff will be informed of the procedures used to notify them in case of an emergency closure.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(y)

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0360

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0377

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2225

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2320

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0004

**Molalla River Academy**

Code: ECAB

Adopted: 1/25/22

**Vandalism, Malicious Mischief or Theft\*\***

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

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

The executive director will submit a report of any vandalism, malicious mischief, theft or damage to the school, to the Board.

The executive director is authorized to sign a criminal complaint and to press charges against those committing acts of vandalism, malicious mischief or theft, of or against public charter school property. It is the policy of the Board to seek all legal remedies against persons found to have committed such acts. Full restitution for the damage will be sought from such persons, or, in the case of minors, from their parents. Until such fees or restitutions are paid, certain restrictions and/or penalties may be imposed. Records requested by another district or public charter school to determine a student’s appropriate placement may not be withheld.

A student who willfully destroys public charter school property through vandalism, malicious mischief, theft or arson, who commits larceny or who creates a hazard to the safety of other people on public charter school property will be disciplined in accordance with state law and the Board’s policy on student suspensions and expulsions and referred to law enforcement.

Any staff member who fails to report such an act, or willfully destroys public charter school property through vandalism, malicious mischief, theft or arson, who commits larceny or who creates a hazard to the safety of other people on public charter school property will be disciplined, up to and including dismissal and may be referred to law enforcement.

The public charter school is not liable or responsible for personal property brought onto school property.

END OF POLICY

**Legal Reference(s):**

[ORS 30](http://policy.osba.org/orsredir.asp?ors=ors-030).765

[ORS 164](http://policy.osba.org/orsredir.asp?ors=ors-164).345

[ORS 164](http://policy.osba.org/orsredir.asp?ors=ors-164).365

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).575

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).270

[ORS 419C](http://policy.osba.org/orsredir.asp?ors=ors-419C).680

**Cross Reference(s):**

JFC - Student Conduct

JN - Student Fees, Fines and Charges

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

KGB - Public Conduct on Public Charter School Property

**Molalla River Academy**

Code: ECACB

Adopted: 1/25/22

**Unmanned Aircraft System (UAS) a.k.a. Drone**

Any employee, volunteer, or representative of the public charter school operating an unmanned aircraft system (UAS) shall do so in accordance with this policy, all applicable Federal Aviation Administration (FAA) and Oregon Department of Aviation (ODA) regulations and local laws.

A small unmanned aircraft, as defined by law, may be operated by the public charter school. A small unmanned aircraft must weigh less than 55 pounds, including the weight of anything attached to or carried by the aircraft and must be registered through the FAA and ODA. The public charter school will register as a user of such with ODA.

Publicly supported kindergarten through grade 12 school programs and publicly-supported entities that support K-12 schools or after school K-12 programs are exempt from the requirement to pay the ODA registration fee.

The public charter school recognizes the academic value of student operation of a UAS as one component of curricula pertaining to principles of flight, aerodynamics and airplane design and construction, which can also serve as an academic tool in other areas such as television, film production, or the arts in general.

Prior to operating a UAS, the public charter school will review all airspace, certification, registration, and other requirements. When operating in the National Airspace System (NAS), the supervisor (instructor/teacher) of the educational UAS shall hold a current pilot certification described in 14 C.F.R. Part 107 or have a Certificate of Authorization as described in 49 U.S.C. § 44801, so any student(s) can fly under their direct supervision, and to be in compliance with current FAA[[27]](#footnote-26) regulations. Public charter school staff will not operate more than one UAS at the same time.

Public charter school employees shall work with the executive director to ensure that proper insurance, registration as required by FAA and ODA, reporting to FAA, and authorization from public charter school administration are in place prior to use as part of the public charter school curriculum.

A UAS shall be operated in accordance with the policies of the Oregon School Activities Association (OSAA)[[28]](#footnote-27) at OSAA-sanctioned events.

A student in violation of this policy may be subject to disciplinary action, up to and including suspension and/or expulsion.

A staff member in violation of this policy may be subject to disciplinary action, up to and including dismissal.

All data gathered by the public charter school as part of a UAS operation will belong to the public charter school. The data gathering by the public charter schools will follow appropriate state and federal laws. Retention of such data will follow state and federal laws.

The executive director shall develop procedures[[29]](#footnote-28) for the implementation of this policy. The public charter school shall post a copy of this policy, associated procedures, and a copy of Oregon Revised Statute (ORS) 192.345, on the public charter school’s website.

The public charter school will report accidents involving a UAS to FAA no later than 10 calendar days after the accident when it involves:

1. Serious injury to any person or any loss of consciousness; or
2. Damage to any property, other than the small UAS, unless the cost of repair (including materials and labor) does not exceed $500, or the fair market value of the property does not exceed $500 in the event of total loss.

**Third Party Use**

Third party use of a UAS on public charter school property or at public charter school-sponsored events or activities on public charter school property for any purpose is prohibited, unless granted permission from the executive director or designee.

If permission is granted by the executive director or designee, the third party operating a UAS, will comply with all FAA and ODA registration and use regulations and shall provide the following to the public charter school:

1. Proof of insurance that meets the liability limits established by the public charter school;
2. Proof of UAS registration and authorization (including a certificate identified in 14 C.F.R. Part 107 or a Certificate of Authorization described in 49 U.S.C. § 44801) issued by FAA, and proof of user registration with ODA when required[[30]](#footnote-29); and
3. A signed agreement holding the public charter school harmless from any claims of harm to individuals or damage to property.

END OF POLICY

**Legal Reference(s):**

[ORS 164](http://policy.osba.org/orsredir.asp?ors=ors-164).885

[ORS 174](http://policy.osba.org/orsredir.asp?ors=ors-174).109

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).345

[ORS 837](http://policy.osba.org/orsredir.asp?ors=ors-837).300 - 837.390

[ORS 837](http://policy.osba.org/orsredir.asp?ors=ors-837).995

[OAR 738](http://policy.osba.org/orsredir.asp?ors=oar-738)-080-0015 - 080-0045

Senate Bill 581 (2019)

Federal Aviation Administration Reauthorization Act of 2018, 49 U.S.C. §§ 44801-44810 (2012).

Small Unmanned Aircraft Systems, 14 C.F.R. Part 107 (2018).

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018).

Oregon School Activities Association Handbook.

**Molalla River Academy**

Code: EDC/KGF

Adopted: 1/25/22

**Authorized Use of School Equipment and Materials**

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

Exceptions to this policy must be approved by the executive director and authorized use shall be consistent with Oregon Revised Statute (ORS) Chapter 244.

END OF POLICY

**Legal Reference(s):**

[ORS Chapter 244](http://policy.osba.org/orsredir.asp?ors=ors-244)

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[OAR 584-020](http://policy.osba.org/orsredir.asp?ors=oar-584-020)-0040

Oregon Government Ethics Commission, Oregon Government Ethics Law, A Guide for Public Officials (2010).

**Cross Reference(s):**

KGF/EDC - Authorized Use of School Equipment and Materials

**Molalla River Academy**

Code: EEAE

Adopted: 1/25/22

**Student Transportation in Private Vehicle**

Transportation of students will be by the sponsoring district transportation system or by a public charter school employee’s vehicle, properly insured, except as provided below.

Parents, employees and other designated adults may be permitted to use private vehicles to transport public charter school students other than their own on field trips or other charter school activities if the following conditions have been met prior to the activity:

1. The executive director has approved the activity;
2. A permission slip signed by the student’s parent(s) has been received by the executive director or designee, granting permission for the student to participate in a field trip or activity and to ride in a privately-owned vehicle;
3. The parents, employee or other adult driving the vehicle is properly licensed to drive and has provided proof of insurance. Such insurance shall meet or exceed minimum requirements as established by the state of Oregon and as set by the public charter school;
4. The vehicle contains an adequate number of seat restraints, including when applicable, a child safety system for a child who weighs less than 40 pounds, regardless of age, and the adult driver requires their use. The child safety system must elevate the person so that a safety belt or safety harness properly fits the individual and meets the minimum standards and specifications of law. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until the person is four feet nine inches tall or age eight and the adult belt properly fits.[[31]](#footnote-30) A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under Oregon Revised Statute (ORS) 815.055. Training in the proper installation and use of child safety system may be required. The driver is responsible for not placing children under the age of 13 in the front seat of a vehicle equipped with passenger-side air bags.

The executive director will develop procedures to implement this policy.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 801](http://policy.osba.org/orsredir.asp?ors=ors-801).455

[ORS 811](http://policy.osba.org/orsredir.asp?ors=ors-811).210

[ORS 815](http://policy.osba.org/orsredir.asp?ors=ors-815).055

[ORS 815](http://policy.osba.org/orsredir.asp?ors=ors-815).080

[OAR 735-102](http://policy.osba.org/orsredir.asp?ors=oar-735-102)-0010

**Cross Reference(s):**

IICA - Field Trips and Special Events

**Molalla River Academy**

Code: EEAE-AR

Revised/Reviewed: 1/25/22

**Proof of Vehicle Liability Insurance**

Dear ,

You have agreed to transport students of the public charter school to a field-trip function or for some other school-approved purpose. Please be aware that in the event of an accident, your insurance will provide primary coverage. In order to serve as a driver, you will be required to provide proof of vehicle liability insurance. Your insurance must meet or exceed minimum requirements as established by the state of Oregon and as set by the district.

The vehicle must contain an adequate number of seat restraints, including when applicable, a child safety system for a child who weighs less than 40 pounds, regardless of age, and the adult driver requires their use. The child safety system must elevate the person so that a safety belt or safety harness properly fits the individual and meets the minimum standards and specifications of law. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until the person is four feet nine inches tall or age eight and the adult belt properly fits.[[32]](#footnote-31) A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under Oregon Revised Statute (ORS) 815.055. The driver is responsible for not placing children under the age of 13 in the front seat of a vehicle equipped with passenger-side air bags.

Please COMPLETE the following information, providing information requested. SIGN where indicated and RETURN to the school office four working days PRIOR TO THE DATE OF THE EVENT.

Insurance Company Name: Expiration Date:

(not agent’s name)

Policy Number:

Policy Limits:

Current minimum limits are: $25,000 per person and $50,000 per accident for bodily injury; $20,000 per accident for property damage; $25,000 per person and $50,000 per accident for uninsured motorist coverage; and $15,000 per accident for personal injury protection.

Date of Birth: Oregon Driver License No.:

Signature: Date:

Name (as it appears on your driver license):

Address:

Daytime Phone:

Return form to fiscal officer. If you do not have required coverage, you will not be allowed to transport students. (Insurance companies may increase coverage for specific dates.

***School staff: Provide a copy of policy EEAE with this form.***

**Molalla River Academy**

Code: EEBB

Adopted: 1/25/22

**Use of Private Vehicles for Public Charter School Business**

The executive director will develop procedures for staff use of private vehicles that will safeguard the public charter school, its employees and students in matters of safety, insurance and liability.

No staff member will use a private vehicle for public charter school business, including the transportation of students, without approval in accordance with established public charter school procedures. Authorization to use a private vehicle must be obtained before actual use of the vehicle. Staff members who are authorized to use a private vehicle on public charter school business will be reimbursed in an amount established by the Board.

At least two staff members must accompany a student being transported in a private vehicle.

END OF POLICY

**Legal Reference(s):**

[ORS 30](http://policy.osba.org/orsredir.asp?ors=ors-030).260 to - 30.265

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 801](http://policy.osba.org/orsredir.asp?ors=ors-801).455

[ORS 811](http://policy.osba.org/orsredir.asp?ors=ors-811).210

[ORS 815](http://policy.osba.org/orsredir.asp?ors=ors-815).055

[ORS 815](http://policy.osba.org/orsredir.asp?ors=ors-815).080

[OAR 735-102](http://policy.osba.org/orsredir.asp?ors=oar-735-102)-0010

**Cross Reference(s):**

DLC - Expense Reimbursements

**Molalla River Academy**

Code: GAB

Adopted: 3/03/22

**Job Descriptions**

Job descriptions serve to:

1. Describe all essential functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation;
2. Describe attendance standards;
3. Help applicants determine the qualifications needed to fill a position;
4. Help the public charter school executive director determine which candidates to recommend for appointment; and
5. Assist the executive director in the evaluation of the employee’s performance of position responsibilities.

“Essential functions,” as used in this policy means, the fundamental job duties of the employment position. A job function may be considered essential for reasons, including, but not limited to, the following:

1. The function may be essential because the reason the position exists is to perform the function;
2. The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or
3. The function may be highly specialized so that the individual is hired for his or her expertise or ability to perform the particular function.

“Attendance standards,” as used in this policy means, the regular work hours of the position, including leave and vacation provisions available through policy and any special attendance needs of the position as determined by the public charter school.

Job descriptions will be developed under the supervision of the executive director for each position in the public charter school. Each job description shall be dated; as job descriptions are reviewed and/or revised new dates will be affixed.

Job descriptions will be coded and retained in a document titled *Job Descriptions for the Molalla River Academy*. The document will be available for inspection by any public charter school employee or patron. Each employee shall receive a copy of their job description. Each employee shall affix their signature and date after having read the job description.

Job descriptions will be reviewed as needed. Initial or revised job descriptions will be approved by the executive director.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115 (2)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Americans with Disabilities Act Amendments Act of 2008.

**Cross Reference(s):**

ACA - Americans with Disabilities Act

**Molalla River Academy**

Code: GBA

Adopted: 3/03/22

**Equal Employment Opportunity**

Equal employment opportunity and treatment shall be practiced by the public charter school regardless of race[[33]](#footnote-32), color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition[[34]](#footnote-33), age, veterans’ status[[35]](#footnote-34), service in uniformed service, familial status, genetic information, an individual’s juvenile record that has been expunged, and disability[[36]](#footnote-35) if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The executive 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. The executive director will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments. 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 executive director will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

**Legal Reference(s):**

[ORS 174](http://policy.osba.org/orsredir.asp?ors=ors-174).100

[ORS 243](http://policy.osba.org/orsredir.asp?ors=ors-243).317 - 243.323

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).051

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).505

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).934

[ORS 408](http://policy.osba.org/orsredir.asp?ors=ors-408).225

[ORS 408](http://policy.osba.org/orsredir.asp?ors=ors-408).230

[ORS 408](http://policy.osba.org/orsredir.asp?ors=ors-408).235

[ORS 652](http://policy.osba.org/orsredir.asp?ors=ors-652).210 - 652.220

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).850

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).003

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).006

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).009

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).029

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).030

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).040

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).082

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).109

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).112

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).147

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).233

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).236

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).309

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).321

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).409

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).820

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0045

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2405

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-003-0000

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-006-0435

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-006-0440

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-006-0450

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-006-0455

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-006-0460

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-006-0465

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§791, 794 (2018); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

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

Americans with Disabilities Act Amendments act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).

Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).

House Bill 2935 (2021)

House Bill 3041 (2021)

**Cross Reference(s):**

AC - Nondiscrimination

ACA - Americans with Disabilities Act

**Molalla River Academy**

Code: GBA-AR

Revised/Reviewed: 3/03/22

**Veterans’ Preference**

Oregon’s Veterans’ Preference Law requires the public charter school to grant a preference to qualified and eligible veterans and disabled veterans at each stage in the hiring and promotion process. To be **qualified** for veterans’ preference, a veteran or disabled veteran must meet the minimum and any other special qualifications required for the position sought. To be **eligible** for veterans’ preference[[37]](#footnote-36) a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law[[38]](#footnote-37).

The public charter school is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The public charter school is obligated to interview all minimally qualified veterans or disabled veterans and to hire or promote a qualified or eligible veteran or disabled veteran if the individual is equal to or better than the top candidate after the veterans’ preference has been applied.

A veteran may submit a written request to the public charter school for an explanation of the reasons why they were not selected for the position. The public charter school shall provide the reasons for not selecting the candidate when requested.

**Recruitment Procedures**

All job postings or announcements will include a concise list of minimum and any special qualifications required for the position. Job postings will include a statement that the public charter school’s policy is to provide veterans and disabled veterans with preference as required by law and the job posting will require applicants to provide certification[[39]](#footnote-38) of eligibility for preference, in addition to other requested materials.[[40]](#footnote-39)

**Selection Procedures**[[41]](#footnote-40)

Step 1: Before the review of any applications the executive director or designee will establish an evaluation scoring guide based on the minimum and any special qualifications listed in the job posting.

Step 2: The executive director or designee will review the application materials using the above evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the executive director or designee shall evaluate whether the skill experience obtained in the military are transferable to the posted position. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.

Step 3: Based on Step 2, the executive director or designee determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.

Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.

Step 5: Following completion of the interviews, the executive director or designee shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans’ preference shall be applied by adding 5 percentage points to an eligible veteran and 10 percentage points to an eligible disabled veteran.[[42]](#footnote-41)

Step 6: The executive director or designee makes the offer to the applicant with the highest final score. The public charter school is not obligated to hire or promote a qualified and eligible veteran or disabled veteran.

The public charter school is obligated to hire or promote a qualified or eligible veteran or disabled veteran if they are equal or better than the top candidate after the veterans’ preference has been applied.

A veteran may submit a written request to the public charter school for an explanation of the reasons why they were not selected for the position.[[43]](#footnote-42) The public charter school shall provide the reasons for not selecting the candidate when requested.

**Filing a Complaint**

A veteran or disabled veteran is encouraged to contact the school office if they have any concerns or questions concerning the application of or the process used for veterans’ preference.

A veteran or disabled veteran claiming to be aggrieved by a violation of Board policy GBA - Equal Employment Opportunity or this administrative regulation, may file a written complaint with the Civil Rights Division of the Bureau of Labor and Industries (BOLI) in accordance with Oregon Revised Statute (ORS) 659A.820.

**Molalla River Academy**

Code: GBC

Adopted: 3/03/22

**Staff Ethics**

**I. Prohibited Use of Official Position for Financial Gain**

No public charter school employee will attempt to use their public charter school position to obtain financial gain or avoidance of financial detriment for themselves, relatives, members of household or for any business with which the employee, a household member or relative is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public charter school employee’s employment with the public charter school.

This prohibition does not apply to any part of an official compensation package as approved by the Board, honorarium, 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.

The employee may receive public charter school logo apparel as part of the employee’s compensation package.

Public charter school employees will not engage in, or have a personal financial interest in, any activity that raises a reasonable question regarding the use of their official position in regards to their duties and responsibilities as school employees. This would also apply to any personal financial benefit for the school employee’s relative or member of household of the employee, or any business with which the school employee or a relative or member of the household of the school employee is associated.

This means that:

1. Employees, relatives or members of the school employee’s household will not use the employee’s 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 a school employee has a potential or actual conflict of interest, the school 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. This must be done on each occasion the school employee is met with a conflict of interest.

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

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

In order to avoid violation of nepotism provisions and school policy, public charter school employees must abide by the following rules when an employee’s relative or member of the household of the school employee, 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 Oregon Revised Statute (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 executive director’s approval.

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

“Relative” means: the spouse[[44]](#footnote-43), parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the

employee has a legal support obligation, whose employment provides benefits[[45]](#footnote-44) to the employee, or who receives any benefit from the employee’s public employment.

**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. A gift may be received by the school employee from, but not limited to, another school employee, a student or parent of a student or a vendor. Except for exclusions in ORS 244.040(2), an item received by an employee from the school is prohibited.

“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.

“Relative” means: the spouse[[46]](#footnote-45), parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits[[47]](#footnote-46) to the employee, or who receives any benefit from the employee’s public employment.

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

**Determining the Source of Gifts**

Employees, the employee’s relatives or members of the employee’s household 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 $50 limit does 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.

1. 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:
   1. 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;
   2. 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
   3. The source calculates the actual amount spent on the employee.

Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.

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 to the employee 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.

*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:
     1. The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the public charter school; AND
        1. The giver is a unit of a:
           1. Federal, state, or local government;
           2. An Oregon or federally recognized Native American Tribe; OR
           3. Nonprofit corporation.
     2. The employee is representing the public charter school:
        1. On an officially sanctioned trade-promotion or fact-finding mission; OR
        2. Officially designated negotiations or economic development activities where receipt of the expenses is approved in advance by the executive director.

The purpose of the exception in a. above 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.

1. 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;

1. 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(7)(b)(I)(i);
2. 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;
3. An item 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;
4. Reasonable expenses paid to employee for accompanying students on an educational trip.

**Honoraria**

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

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

END OF POLICY

**Legal Reference(s):**

[ORS 244](http://policy.osba.org/orsredir.asp?ors=ors-244).010 - 244.400

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).016

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659A).309

[OAR 199-005](http://policy.osba.org/orsredir.asp?ors=oar-199-005)-0001 - 199-020-0020

[OAR 584-020](http://policy.osba.org/orsredir.asp?ors=oar-584-020)-0040

Or. Ethics Comm’n, Or. Gov’t Ethics Law, A Guide for Public Officials.

**Molalla River Academy**

Code: GBCA

Adopted: 3/03/22

**Staff Dress and Grooming**

The Board believes that staff members set an example in dress and grooming for students and standards of professionalism for the public charter school. A staff member who understands this precept and adheres to it enlarges the importance of their task, presents an image of professionalism and encourages respect for authority. These factors act in a positive manner towards the maintenance of discipline.

The public charter school retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process.

All staff, when on duty, shall:

1. Be physically clean, neat and well groomed;
2. Dress in a manner consistent with their assigned duties;
3. Dress in a manner that communicates to students a pride in personal appearance;
4. Be groomed in such a way that does not disrupt the educational process nor cause a health or safety hazard;
5. Be allowed to wear religious attire in accordance with the employee’s sincerely-held beliefs, while maintaining religious neutrality and refraining from endorsing religion in the educational environment.

Staff are subject to disciplinary action up to and including dismissal for violating the terms of this policy.

The executive director may develop guidelines to implement this policy.

END OF POLICY

**Legal Reference(s):**

[ORS 243](http://policy.osba.org/orsredir.asp?ors=ors-243).650(7)

[ORS 327](http://policy.osba.org/orsredir.asp?ors=ors-327).109

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).351

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).850

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659A).030

Or. Const., art. I, § 5.

U.S. Const. amend. I.

**Molalla River Academy**

Code: **GBDA**

Adopted: 3/03/22

**Expression of Milk or Breast-feed in the Workplace**

When possible an employee must give reasonable notice of the intent to express milk or breast-feed to executive director or designee. The public charter school shall provide the employee a reasonable rest period to express milk or breast-feed each time the employee has a need to express milk or breast-feed. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the public charter school.

The public charter school will make a reasonable effort to provide a location, other than a public restroom or toilet stall, in close proximity to the employee’s work area, where an employee can express milk or breast-feed in private. “Close proximity” means within walking distance from the employee’s work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee’s work area, the public charter school may not include the time taken to travel to and from the location as part of the break period.

The public charter school must allow the employee to bring a cooler or other insulated food container to work for storing the expressed milk and ensure there is adequate space in the workplace to accommodate the employee’s cooler or insulated food container. If the public charter school allows employees access to refrigeration for personal use, the public charter school may allow, but cannot require, an employee who expresses milk during work hours to use the available refrigeration to store the expressed milk.

This policy including the list of designated locations will be published in the employee handbook. A list of designated locations must be readily available upon request in the public charter school’s office.

This policy only applies to employees who are expressing milk or breast-feeding for children 18 months of age or younger.

END OF POLICY

**Legal Reference(s):**

[ORS 243](http://policy.osba.org/orsredir.asp?ors=ors-243).650

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 653](http://policy.osba.org/orsredir.asp?ors=ors-653).077

[ORS 653](http://policy.osba.org/orsredir.asp?ors=ors-653).256

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-020-0051

**Molalla River Academy**

Code: GBEA

Adopted: 3/03/22

**Workplace Harassment**

Workplace harassment is prohibited and shall not be tolerated. This includes workplace harassment that occurs between public charter school employees or between a public charter school employee and the public charter school in the workplace or at a work-related event that is off public charter school premises and coordinated by or through the public charter school, or between a public charter school and a public charter school employee off school premises. Board members, volunteers and interns are subject to this policy.

Any public charter school employee who believes they have been a victim of workplace harassment may file a report with the public charter school employee designated in the administrative regulation GBEA-AR - Workplace Harassment Reporting and Procedure, may file a report through the Bureau of Labor and Industries’ (BOLI) complaint resolution process or under any other available law. The reporting of such information is voluntary. The public charter school employee making the report is advised to document any incidents of workplace harassment.

“Workplace harassment” means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault[[48]](#footnote-47) or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

The public charter school, upon receipt of a report from a public charter school employee who believes they are a victim of workplace harassment, shall provide information about legal resources and counseling and support services, including any available employee assistance services. The public charter school employee receiving the report, whether a supervisor of the employer or the public charter school employee designated to receive reports, is advised to document any incidents of workplace harassment, and shall provide a copy of this policy and accompanying administrative regulation to the victim upon their disclosure about alleged workplace harassment.

All incidents of behavior that may violate this policy shall be promptly investigated.

Any person who reports workplace harassment has the right to be protected from retaliation.

The public charter school may not require or coerce a public charter school employee to enter into a nondisclosure[[49]](#footnote-48) or nondisparagement[[50]](#footnote-49) agreement.

The public charter school may not enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits, that contains a nondisclosure provision, a nondisparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing workplace harassment that occurred between public charter school employees or between a public charter school employee and the public charter school, in the workplace or at a work-related event that is off public charter school premises and coordinated by or through the public charter school, or between a public charter school employee and employer off public charter school premises.

The public charter school may enter into a settlement agreement, separation or severance agreement that includes one or more of the following provisions only when a public charter school employee claiming to be aggrieved by workplace harassment requests to enter into the agreement: 1) a nondisclosure or nondisparagement provision; 2) a provision that prevents disclosure of factual information relating to the claim of workplace harassment; or 3) a no-rehire provision that prohibits the employee from seeking reemployment with the public charter school as a term or condition of the agreement. The agreement must provide the public charter school employee at least seven days after signing the agreement to revoke it.

If the public charter school determines in good faith that an employee has engaged in workplace harassment, the public charter school may enter into a settlement, separation or severance agreement that includes one or more of the provisions described in the previous paragraph.

It is the intent of the Board that appropriate corrective action will be taken by the public charter school to stop workplace harassment, prevent its recurrence and address negative consequences. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional workplace harassment awareness training, as appropriate. Other individuals (e.g., board members and volunteers and interns) whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the executive director or the Board.

The public charter school shall make this policy available to all public charter school employees and shall be made a part of public charter school orientation materials provided and copied to new public charter school employees at the time of hire.

The executive director will establish a process of reporting incidents of workplace harassment and the prompt investigation.

END OF POLICY

**Legal Reference(s):**

[ORS 243](http://policy.osba.org/orsredir.asp?ors=ors-243).317 - 243.323

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).001

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).003

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).006

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).029

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).030

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).082

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).112

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).820

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).875

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).885

[OAR 584](http://policy.osba.org/orsredir.asp?ors=oar-584)-020-0040

[OAR 584](http://policy.osba.org/orsredir.asp?ors=oar-584)-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

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

House Bill 3041 (2021)

**Cross Reference(s):**

AC - Nondiscrimination

ACA - Americans with Disabilities Act

ACB - Every Student Belongs

GBA - Equal Employment Opportunity

**Molalla River Academy**

Code: GBEA-AR

Revised/Reviewed: 3/03/22

**Workplace Harassment Reporting and Procedure**

Any public charter school employee who believes they have been a victim of workplace harassment may file an oral or written report consistent with this administration regulation, may file a report through the Bureau of Labor and Industries’ (BOLI) complaint resolution process, or under any other available law.

Additional information regarding the filing of a report may be obtained through the [compliance officer or ]executive director.

A complaint alleging an unlawful employment practice as described in ORS 659A.030, 659A.082 or 659A.112 or section 4 of Senate Bill 479 (2019) must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

All documentation related to workplace harassment complaints may become part of the personnel file of the employee who is the alleged harasser, as appropriate. Additionally, a copy of all workplace harassment reports, complaints, and documentation will be maintained by the public charter school as a separate confidential file and stored in the public charter school office.

**Investigation Procedure**

The executive director is responsible for investigating reports concerning workplace harassment. The investigator(s) shall be a neutral party having had no involvement in the report presented. If the alleged workplace harassment involves the executive director, the employee may report to Board chair. All reports of alleged workplace harassment behavior shall be investigated.

The investigator shall:

1. Document the alleged, reported incident of workplace harassment;
2. Provide information about legal resources and counseling and support services, which may include public charter school-provided assistance services available to the public charter school employee;
3. Provide a copy of the public charter school’s Board policy GBEA - Workplace Harassment and this administrative regulation to the public charter school employee; and
4. Complete the following steps:

Step 1 Promptly initiate an investigation. The investigator will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The investigator shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

A copy of the report, complaint, or other documentation about the incident, and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the workplace harassment incident, including disciplinary action taken or recommended, shall be forwarded to the executive director.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 1 decision. The Board will review the findings and conclusion in a public meeting to determine what action is appropriate. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the executive director’s decision as the public charter school’s final decision.

If the Board conducts a hearing, the complainant shall be given an opportunity to present the appeal at a Board meeting. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The parties involved may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues. The Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

If the Board chooses not to hear the appeal, the decision in Step 1 is final.

Reports involving the executive director should be referred to the Board chair on behalf of the Board. The Board chair will cause the information[[51]](#footnote-50) required to be issued to the complainant as described in this administrative regulation. The Board chair shall present the complaint to the Board at a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 30 days, in open session what action if any is warranted. The Board chair shall notify the complainant in writing within 10 days that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

**Follow-up Procedures**

The executive director or designee will follow up with the public charter school employee of the alleged harassment once every three months for the calendar year following the date on which the executive director or designee received a report of harassment, to determine whether the alleged harassment has stopped or if the employee has experienced retaliation. The executive director or designee will document the record of this follow-up. The executive director or designee will continue follow-up in this manner until and unless the employee directs the executive director or designee in writing to stop.

**Other Reporting Options and Filing Information**

Nothing in this policy prevents an employee from filing a formal complaint with BOLI or the Equal Employment Opportunity Commission (EEOC); or if applicable, the U.S. Department of Labor (USDOL) Civil Rights Center.

Nothing in Board policy GBEA - Workplace Harassment or this administrative regulation prevents any person from seeking remedy under any other available law, whether civil or criminal.

An employee or claimant must provide advance notice of claim against the employer as required by ORS 30.275.

**Filing a report with the U.S. Department of Labor (USDOL) Civil Rights Center.**

An employee whose agency receives federal financial assistance from the USDOL under the Workforce Innovation and Opportunity Act, Mine Safety and Health Administration, Occupational Safety and Health Administration, or Veterans’ Employment and Training Service, may file a complaint with the state of Oregon Equal Opportunity Officer or directly through the USDOL Civil Rights Center. The complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.

**Molalla River Academy**

16987 S. Callahan Road, Molalla, Oregon 97038 | 503-829-6672

**Workplace Harassment Reporting or Complaint Form**

Name of person making report/complainant:

Position of person making report/complainant:

Date of complaint:

Name of alleged harasser:

Date and place of incident or incidents:

Description of alleged misconduct:

Name of witnesses (if any):

Evidence of workplace 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:

**Molalla River Academy**

16897 S. Callahan Road, Molalla, Oregon 97038 | 503-829-6672

**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:

**Molalla River Academy**

Code: GBEB

Adopted: 3/03/22

**Communicable Diseases - Staff**

The public charter school shall provide reasonable protection against the risk of exposure to communicable disease for employees while engaged in the performance of their duties. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

An employee may not attend work while in a communicable stage of a restrictable disease or when the executive director has reason to suspect that the employee has or has been exposed to any disease for which exclusion is required in accordance with law and per administrative regulation GBEB-AR - Communicable Diseases - Staff. If the disease is a reportable disease, the executive director will report the occurrence to the local health department.

Employees shall comply with all other measures adopted by the public charter school and with all rules adopted by Oregon Health Authority, Public Health Division and the local health department.

Employees shall provide services to students as required by law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the executive director shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

The public charter school shall protect the confidentiality of an employee’s health condition and record to the extent possible and consistent with federal and state law.

The public charter school will include, as part of its emergency plan, a description of the actions to be taken by school staff in the case of a declared public health emergency or other catastrophe that disrupts public charter school operations.

The executive director will develop administrative regulations necessary to implement this policy.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(z)

[ORS 431](http://policy.osba.org/orsredir.asp?ors=ors-431).150 - 431.157

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).001 - 433.526

[OAR 333](http://policy.osba.org/orsredir.asp?ors=oar-333)-018

[OAR 333](http://policy.osba.org/orsredir.asp?ors=oar-333)-019-0010

[OAR 333](http://policy.osba.org/orsredir.asp?ors=oar-333)-019-0014

[OAR 437](http://policy.osba.org/orsredir.asp?ors=oar-437)-002-0360

[OAR 437](http://policy.osba.org/orsredir.asp?ors=oar-437)-002-0377

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2220

Oregon Department of Education and Oregon Health Authority, *Communicable Disease Guidance* (2020).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).

Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164 (2019).

**Cross Reference(s):**

JHCC - Communicable Diseases - Students

**Molalla River Academy**

Code: GBEB-AR

Revised/Reviewed: 3/03/22

**Communicable Diseases – Staff**

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule and include but are not limited to COVID-19[[52]](#footnote-51), chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by the local public health administrator after determining that it poses a danger to the public’s health.
2. “Susceptible” for an employee means lacking evidence of immunity to the disease.
3. “Reportable diseases” means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

**Restrictable Diseases**

1. An employee of the public charter school will not attend or work at a public charter school facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19[[53]](#footnote-52), unless authorized to do so under Oregon law. When the executive director has reason to suspect that an employee has a restrictable disease, the administrator shall send the employee home.
2. The executive director shall exclude an employee if the administrator has reason to suspect that an employee has been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public’s health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.
3. The executive director shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.
4. An employee will be excluded in such instances until such time as the employee presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the employee does not have or is not a carrier of any restrictable disease.
5. The executive director may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting if the restriction has been removed by a school nurse or health care provider.
6. More stringent exclusion standards for employees from school or work may be adopted by the local health department.
7. The public charter school’s emergency plan shall address the school’s plan with respect to a declared public health emergency at the local or state level.

**Reportable Diseases Notification**

1. All employees shall comply with all reporting measures adopted by the public charter school and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. The executive director may seek confirmation and assistance from the local health officer to determine the appropriate response when the administrator is notified that an employee or a student has been exposed to a restrictable disease that is also a reportable disease.
3. Public charter school staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance[[54]](#footnote-53).
4. The executive director shall determine other persons who may be informed of an employee’s communicable disease, or that of a student’s when a legitimate education interest exists or for health and safety reasons, in accordance with law.

**Equipment and Training**

1. The executive director or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.

2. The executive director or designee shall consult with the public charter school’s nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.

3. All public charter school personnel will be instructed annually to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA).

**Molalla River Academy**

Code: GBEBA

Adopted: 3/03/22

**Staff - HIV, AIDS, and HBV**

The public charter school will strictly adhere in its policies and procedures, to the Oregon law and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS, or HBV[[55]](#footnote-54).

The public charter school recognizes a staff member has no obligation under any circumstance to report a condition to the public charter school, and the staff member has a right to continue working. If the staff member reports a 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 law.

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

END OF POLICY

**Legal Reference(s):**

[ORS 243](http://policy.osba.org/orsredir.asp?ors=ors-243).650

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(z)

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).850(8)

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).008

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).045

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).260

[OAR 333-017](http://policy.osba.org/orsredir.asp?ors=oar-333-017)-0000

[OAR 333-018](http://policy.osba.org/orsredir.asp?ors=oar-333-018)-0000

[OAR 333-018](http://policy.osba.org/orsredir.asp?ors=oar-333-018)-0005

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2220

**Molalla River Academy**

Code: GBEC

Adopted: 3/03/22

**Drug-Free Workplace**

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

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

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.

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

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

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

**Definitions**

1. “Controlled substance” shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance.
2. “Alcohol” shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.
3. “Conviction” means 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.
4. “Criminal drug statute” means a federal or state criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance or alcohol.
5. “Drug-free workplace” means 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.

**Sanctions and Remedies**[[56]](#footnote-55)

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 the section below), of an employee’s unlawful use of a controlled substance or alcohol in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take appropriate action which may include transfer, granting of leave with or without pay or suspension with or without pay.

Within 30 calendar days of learning of an employee’s criminal drug statute conviction for a violation occurring in the workplace, the public charter school shall:

1. Take appropriate action, 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.

**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:

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

**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.

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.

**Establishment of Drug-Free Awareness Program**

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

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

**Notification by Employee of Conviction**[[57]](#footnote-56)

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

**Notification by the Public Charter School of an Employee Conviction**

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

END OF POLICY

**Legal Reference(s):**

[ORS 243](http://policy.osba.org/orsredir.asp?ors=ors-243).650

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).222

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS Chapter 475](http://policy.osba.org/orsredir.asp?ors=ors-chapter-475)

[ORS 657](http://policy.osba.org/orsredir.asp?ors=ors-657).176

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).127

[OAR 584-020](http://policy.osba.org/orsredir.asp?ors=oar-584-020)-0040(5)(e)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670 (2016).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

**Cross Reference(s):**

IGAEB - Drug, Alcohol and Tobacco Prevention, Health Education

**Molalla River Academy**

Code: GBH/JECAC

Adopted: 3/03/22

**Staff/Student/Parent Relations\*\***

The Board encourages parents to be involved in their student’s school educational activities and, unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of the following authority as it relates to:

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

It is the responsibility of the parent with sole custody to provide any court order or parental plan that curtails the rights of the noncustodial parent at the time of enrollment or any other time a court order is issued.

In the case of joint custody, the district will adhere to all conditions specified and ordered by the court.

The public charter school will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

**Legal Reference(s):**

[ORS 107](http://policy.osba.org/orsredir.asp?ors=ors-107).101

[ORS 107](http://policy.osba.org/orsredir.asp?ors=ors-107).102

[ORS 107](http://policy.osba.org/orsredir.asp?ors=ors-107).106

[ORS 107](http://policy.osba.org/orsredir.asp?ors=ors-107).154

[ORS 109](http://policy.osba.org/orsredir.asp?ors=ors-109).056

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).245 - 163.257

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

**Cross Reference(s):**

JECAC/GBH - Staff/Student/Parent Relations

**Molalla River Academy**

Code: GBK/KGC

Adopted: 3/03/22

**Prohibited Use, Distribution or Sale of Tobacco Products**

**and Inhalant Delivery Systems\*\***

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

For the purpose of this policy “tobacco products” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff, in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

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

Violation of this policy by staff may result in discipline up to and including dismissal.

Violation of this policy by the public 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.

This policy shall be enforced at all times.

END OF POLICY

**Legal Reference(s):**

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).227

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(x)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).883

[ORS 431A](http://policy.osba.org/orsredir.asp?ors=ors-431A).175

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).835 to -433.990

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0110

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0230(9)(s)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0330(1)(m)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0430(12)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0531(11)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

**Cross Reference(s):**

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

**Molalla River Academy**

Code: GBM

Adopted: 3/03/22

**Staff Complaints**

The administrator will develop a complaint procedure which will be available for all employees who believe there is evidence of, and wishes to report a violation, misinterpretation or inappropriate application of public charter school personnel policies and/or administrative regulations; a mismanagement, gross waste of funds or abuse of authority; or believe there is evidence the public charter school created a substantial and specific danger to public health and safety by its actions. The complaint procedure will provide an orderly process for the consideration and resolution of problems in the application or interpretation of public charter school personnel policies.

Disputes concerning an employee’s dismissal, contract nonrenewal or contract non extension will not be processed under this procedure.

Reasonable efforts will be made to resolve complaints informally.

Administrative regulations will be developed to outline procedural timelines and steps under this policy, as necessary. The public charter school will use the complaint process in administrative regulation KL-AR - Public Complaints Procedure to address any alleged violations of this policy.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659A).199 to -659A.224

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2405

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

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

**Molalla River Academy**

Code: GBMA

Adopted: 3/03/22

**Whistleblower**

When an employee has good faith and reasonable belief the public charter school has violated any federal, state or local, law, rule or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and an employee then discloses or plans to disclose such information, it is an unlawful employment practice for a public charter school to:

1. Discharge, demote, transfer, reassign or take disciplinary action against an employee or threaten any of the previous actions.
2. Withhold work or suspend an employee.
3. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
4. Direct an employee or to discourage an employee to not disclose or to give notice to the public charter school prior to making any disclosure.
5. Prohibit an employee from discussing, either specifically or generally, the activities of the state or any agency of or political subdivision in the state, or any person authorized to act on behalf of the state or any agency of or political subdivision in the state, with:
   1. Any member of the Legislative assembly;
   2. Any Legislative committee staff acting under the direction of any member of the Legislative assembly; or
   3. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

An employee’s good faith and reasonable belief shall serve as an affirmative defense to civil or criminal charges related to the employee’s disclosure of lawfully accessed information related to the violation, including information that is exempt from disclosure by public records law.

The public charter school will use the complaint process in administrative regulation KL-AR - Public Complaints Procedure to address any alleged violations of this policy.

The public charter school shall deliver a written or electronic copy of this policy to each staff member.

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).501 - 192.505

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).199 - 659A.224

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2405

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

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

**Molalla River Academy**

Code: GBN/JBA

Adopted: 3/03/22

**Sexual Harassment**

The public charter school is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the public charter school. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The public charter school processes complaints or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

**General Procedures**

When information, a report or complaint regarding sexual harassment is received by the public charter school, the public charter school will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The public charter school may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures[[58]](#footnote-57).

**Oregon Definition and Procedures**

**Oregon Definition**

Sexual harassment of students, staff members or third parties[[59]](#footnote-58) shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
   1. Interferes with a student’s educational activity or program;
   2. Interferes with a public charter school staff member’s ability to perform their job; or
   3. Creates an intimidating, offensive or hostile environment
3. Assault when sexual contact occurs without the student’s, staff member’s or third party’s consent because the student, staff member of third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Sexual harassment does not include conduct that is necessary because of a job duty of a public charter school staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person’s action, offensive because of that other person’s sexual orientation or gender identity.

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 sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

**Oregon Procedures**

Reports and complaints of sexual harassment should be made to the following individual(s):

**Name Position Phone Email**

Melanie Marrone Executive director 503-829-6672 mmarrone@mra-k8.com

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. *See* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

**Response**

Any staff member who becomes aware of behavior that may violate this policy shall immediately report to a public charter school official so the public charter school official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the public charter school official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to public charter school officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate public charter school official.

**Investigation**

All reports and complaints about behavior that may violate this policy shall be investigated. The public charter school may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The public charter school will use a reasonable person standard when determining whether a hostile environment exists.

The public charter school may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for public charter school electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding public charter school procedures and resources.

When a student or staff member is harassed by a third party, the public charter school will consider the following:

1. Removing that third party’s ability to contract or volunteer with the public charter school, or be present on public charter school property;
2. If the third party works for an entity that contracts with the public charter school, communicating with the third party’s employer;
3. If the third party is a student of another public charter school or school, communicate information related to the incident to the other public charter school, school or school district;
4. Limiting attendance at public charter school events; and
5. Providing for additional supervision, including law enforcement if necessary, at public charter school events.

**No Retaliation**

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a public charter school staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the public charter school’s drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person’s knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

**Notice**

When a person[[60]](#footnote-59) who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the public charter school shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include[[61]](#footnote-60):

1. Name and contact information for all person designated by the public charter school to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the public charter school that the student, student’s parents, staff member, person or person’s parent who filed the complaint may pursue, including the person designated for the public charter school for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the public charter school may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the public charter school, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the public charter school;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
   1. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
   2. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the public charter school’s drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person’s knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students’ parents, staff members and member of the public at each office, at the public charter school office and on the website of the public charter school.

**Federal Definition and Procedures**

**Federal Definition**

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the public charter school conditioning the provision of an aid, benefit, or service of the public charter school on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the public charter school’s education program or activity[[62]](#footnote-61);
3. “Sexual assault”: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. “Dating violence”: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. “Domestic Violence”: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; or
6. “Stalking”: engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person’s own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A public charter school’s treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

**Federal Procedures**

The public charter school will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

**Reporting**

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. The report can be made at any time.

The executive director is designated as the Title IX Coordinator and can be contacted at 503-829-6672. The Title IX Coordinator will coordinate the public charter school’s efforts to comply with its responsibilities related to this AR. The public charter school prominently will display the contact information for the Title IX Coordinator on the public charter school website and in each handbook.

**Response**

The public charter school will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[[63]](#footnote-62) The public charter school shall treat complainants and respondents equitably by providing supportive measures[[64]](#footnote-63) to the complainant and by following a grievance procedure[[65]](#footnote-64) prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.[[66]](#footnote-65)

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.[[67]](#footnote-66) The public charter school must provide the respondent with notice and an opportunity to challenge the decision

immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

**Notice**

The public charter school shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the public charter school of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the public charter school does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the public charter school will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary[[68]](#footnote-67), or both.

**No Retaliation**

Neither the public charter school or any person may retaliate[[69]](#footnote-68) against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The public charter school must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

**Publication**

This policy shall be made available to students, parents of students and staff members. This policy and contact information for the Title IX Coordinator shall be prominently published in the public charter school student handbook and on the school website. This policy shall also be made available at the school office. The public charter school shall post this policy on a sign in all buildings housing grades 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any student, parent of a student, school staff member, or third party upon request.

END OF POLICY

**Legal Reference(s):**

[ORS 243](http://policy.osba.org/orsredir.asp?ors=ors-243).706

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).700

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).704

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).708

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).850

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).865

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).850

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).006

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).029

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).030

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0038

[OAR 584](http://policy.osba.org/orsredir.asp?ors=oar-584)-020-0040

[OAR 584](http://policy.osba.org/orsredir.asp?ors=oar-584)-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

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

**Cross Reference(s):**

AC - Nondiscrimination

ACB - Every Student Belongs

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements

JBA/GBN - Sexual Harassment

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student

**Molalla River Academy**

Code: GBN/JBA-AR(1)

Revised/Reviewed: 3/03/22

**Sexual Harassment Complaint Procedure**

Reports and complaints of sexual harassment should be made to the following individual(s):

**Name Position Phone Email**

Melanie Marrone Executive director 503-829-6672 mmarrone@mra-k8.com

The public charter school official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board policy GBN/JBA - Sexual Harassment.

Step 1 The public charter school official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy GBN/JBA - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law within 30 days of receipt of the report or complaint.

A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be maintained.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the decision of the executive director in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the executive director’s decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the executive director’s decision in Step 1 is final.

The executive director is authorized to amend these procedures (including timelines) when the executive director feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.

Complaints against the executive director or a Board member (other than the Board chair) may start at step 2 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 2 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

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 Second Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint may be obtained through the public charter school office.

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 executive 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 Oregon Administrative Rule (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 abuse of a child.

**Molalla River Academy**

16897 S. Callahan Road, Molalla, Oregon 97038 | 503-829-6672

**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:

**Molalla River Academy**

16897 S. Callahan Road, Molalla, Oregon 97038 | 503-829-6672

**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:

**Molalla River Academy**

Code: GBN/JBA-AR(2)

Adopted: 3/03/22

**Federal Law (Title IX) Sexual Harassment Complaint Procedure**

**Additional Definitions**

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the public charter school’s Title IX Coordinator or any official of the public charter school who has authority to institute corrective measures on behalf of the public charter school, or to any employee of an elementary or secondary school.[[70]](#footnote-69)

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent[[71]](#footnote-70) and requesting that the public charter school investigate the allegation of sexual harassment.[[72]](#footnote-71)

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the public charter school’s educational environment, or deter sexual harassment.[[73]](#footnote-72) The public charter school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

**Formal Complaint Procedures**

Upon receipt of a formal complaint, the public charter school will provide the parties[[74]](#footnote-73) written notice of the following:

1. Notice of the public charter school’s grievance process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details[[75]](#footnote-74) known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the public charter school’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

**Investigation**

The Title IX Coordinator will coordinate the public charter school’s investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the public charter school and not on the parties.[[76]](#footnote-75)
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.[[77]](#footnote-76) The public charter school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.[[78]](#footnote-77) Prior to completion of the investigative report, the public charter school must send to each party and party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party’s advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the public charter school has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions[[79]](#footnote-78) that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person’s status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the public charter school to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the public charter school decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the public charter school must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the public charter school, or anyone participating on behalf of the public charter school, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

**Determination of Responsibility**

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence[[80]](#footnote-79) standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the public charter school’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
   1. A determination regarding responsibility;
   2. Any disciplinary sanctions the public charter school imposes on the respondent; and
   3. Whether remedies designed to restore or preserve equal access to the public charter school’s education program or activity will be provided by the public charter school to the complainant; and
6. The public charter school’s procedures and permissible bases for the complainant and respondent to appeal.

The public charter school must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

**Remedies**

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions[[81]](#footnote-80) may include:

1. Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;
4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.[[82]](#footnote-81)

Other remedies may include:

1. Educational programming.

**Dismissal of a Formal Complaint**

The public charter school must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the public charter school’s education program or activity[[83]](#footnote-82); or
3. Did not occur against a person in the United States.

The public charter school may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the public charter school; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the public charter school must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

**The dismissal of a formal complaint under Title IX does not preclude the public charter school from continuing any investigation and taking action under a different process. The public charter school may have an obligation to continue an investigation and process under a different process.**

**Consolidation of Complaints**

The public charter school may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

**Informal Resolution**

If the public charter school receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the public charter school may offer an optional informal resolution process, provided that the public charter school:

1. Provides written notice to the parties disclosing:
   1. The allegations;
   2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing toa resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
   3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties’ voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**Appeals**

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within 15 days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

When an appeal is filed, the public charter school must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-makers(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

**Timelines**

The public charter school will complete the following portions of the grievance process within the specified timelines:

1. General grievance process (from receipt of formal complaint to determination of responsibility: 90 days;
2. Appeals (from receipt of appeal): 60 days;
3. Informal resolution process: 60 days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause[[84]](#footnote-83) with written notice to the parties.

**Records**

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).[[85]](#footnote-84)

**Training**

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the public charter school’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evident, including when questions about evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the public charter school’s website.

**Molalla River Academy**

Code: GBNA

Adopted: 3/03/22

**Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff**

The Board is committed to providing a positive and productive learning and working environment.

Hazing, harassment, intimidation, bullying, menacing, and acts of cyberbullying of staff or third parties by students, staff, or third parties are strictly prohibited and shall not be tolerated in the public charter school.

Retaliation against the victim, any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry is also strictly 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.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include 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 executive director or the Board. Students found in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion.

Individuals may also be referred to law enforcement officials. Licensed staff may be reported to Teacher Standards and Practices Commission if required by Oregon Administrative Rule (OAR) 584-020-0041.

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

END OF POLICY

**Legal Reference(s):**

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).190

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).197

[ORS 166](http://policy.osba.org/orsredir.asp?ors=ors-166).065

[ORS 166](http://policy.osba.org/orsredir.asp?ors=ors-166).155 - 166.165

[ORS 174](http://policy.osba.org/orsredir.asp?ors=ors-174).100

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).006

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).029

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).030

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).103 - 659A.143

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).199 - 659A.224

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-003-0000

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-005-0021

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-005-0030

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

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

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012); 29 C.F.R. Part 1626 (2018)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2018); 28 C.F.R. Part 35 (2018).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2012).

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

Oregon Bureau of Labor and Industries, *Workplace Bullying* (visited Feb. 26, 2019), <https://www.oregon.gov/boli/docs/WorkplaceBullyingPoster-2018.pdf>.

**Cross Reference(s):**

AC - Nondiscrimination

ACB - Every Student Belongs

GBN/JBA - Sexual Harassment

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student

JFCM - Threats of Violence

**Molalla River Academy**

Code: GBNA-AR

Revised/Reviewed: 3/03/22

**Hazing, Harassment, Intimidation, Bullying, Menacing, or**

**Cyberbullying Reporting Procedures – Staff**

The following definitions and procedures shall be used for reporting, investigating, and resolving reports of hazing, harassment, intimidation, bullying, menacing, and cyberbullying of staff or third parties.

**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, or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment” is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
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 perception of the other’s race, color, religion, national origin, disability, sexual orientation or gender identity.
6. “Bullying” is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
7. “Cyberbullying” means the use of any electronic device to convey a message in any form (e.g., 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. In

addition, any communication of this form which substantially disrupts or prevents a safe and positive working environment may also be considered cyberbullying. Staff will refrain from using personal electronic devices or school equipment to harass or stalk another person or people.

1. “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.

**Reporting Procedures**

The executive director has responsibility for investigations concerning reports of hazing, harassment, intimidation, bullying, acts of cyberbullying, or menacing. The investigator(s) shall be a neutral party having had no involvement in the report presented.

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

Any employee or third party who has knowledge of conduct in violation of Board policy or feels they have been hazed, harassed, intimidated, bullied, menaced, or cyberbullied in violation of Board policy or this administrative regulation is encouraged to immediately report concerns to the designated public charter school official.

All reports and information will be promptly investigated in accordance with the following procedures:

Step 1 Any reports or information on acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying (e.g., complaints, rumors) shall be presented to executive director. Reports against the executive 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 executive director shall promptly investigate. Parents will be notified of the nature of any report involving their student. The executive director will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The executive director shall notify the person making the report within 10 working days of receipt of the information or report, 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 person making the report is not satisfied with the decision at Step 2, they may submit a written appeal to 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 person making the report shall be given an opportunity to present the information or report. The Board shall provide a written decision to the person making the report within 10 working days following completion of the hearing.

Reports against the executive director should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the

Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action if any, is warranted.

Reports against the Board chair may be made directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Direct complaints of discriminatory harassment 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 reported acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying and documentation will be maintained as a confidential file in the public charter school office.

**Molalla River Academy**

Code: GBNAA/JHFF

Adopted: 3/03/22

**Suspected Sexual Conduct with Students and Reporting Requirements**

Sexual conduct by public charter school employees, contractors[[86]](#footnote-85), agents[[87]](#footnote-86), and volunteers[[88]](#footnote-87) is prohibited and will not be tolerated. All public charter school employees, contractors, agents, and volunteers are subject to this policy. Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.

[[89]](#footnote-88)“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the public charter school or any applicable employment agreements.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the public charter school that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

The public charter school will post in the school building the names and contact information of the employees designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

Any public charter school employee who has reasonable cause to believe that a student has been subjected to sexual conduct by another public charter school employee, contractor, agent or volunteer, or that another public charter school employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the designated licensed administrator, or the alternate designated licensed administrator in the event the designated administrator is the alleged perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

A report of suspected sexual conduct about the executive director will be reported to the assistant executive director who shall also report same to the Board chair.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.

When a designated administrator receives a report of suspected sexual conduct by a public charter school employee, contractor, agent or volunteer, the administrator will follow procedures established by the public charter school and set forth in administrative regulation GBNAA/JHFF-AR - Suspected Sexual Conduct Report Procedures and Forms. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a public charter school employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the public charter school will take necessary actions to ensure the student’s safety.

When there is reasonable cause to support the report, a public charter school contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the public charter school and the public charter school will take necessary actions to ensure the student’s safety.

The public charter school will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the public charter school as a result of the report.

A public charter school employee, contractor or agent will not assist another public charter school employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the public charter school employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the public charter school from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

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 person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a public charter school employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the public charter school or any public charter school employee, contractor, agent or volunteer.

The public charter school will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the public charter school, the following:

1. A description of conduct that may constitute sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on public charter school employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All public charter school employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the public charter school will be appropriate and only when directed by public charter school administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use public charter school e-mail using mailing lists and/or other internet messaging approved by the school to a group of students rather than individual students or as directed by public charter school administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the public charter school is prohibited.

The executive director shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).135(7)(a)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).370 - 339.400

[ORS 419B](http://policy.osba.org/orsredir.asp?ors=ors-419b).005 - 419B.045

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).

House Bill 2136 (2021).

Senate Bill 51 (2021).

**Cross Reference(s):**

GBN/JBA - Sexual Harassment

GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements

GCAB - Personal Electronic Devices and Social Media - Staff

IIBGA - Electronic Communications System

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student

JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements

JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements

**Molalla River Academy**

Code: GBNAA/JHFF-AR

Revised/Reviewed: 3/03/22

**Suspected Sexual Conduct Report Procedures and Forms**

The public charter school posts in each school building the names and contact information of the school employees designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee(s) will follow upon receipt of the report.

When a designated licensed administrator receives a report of suspected sexual conduct that may have been committed by a commission licensee[[90]](#footnote-89), the designee shall notify the Teacher Standards and Practices Commission (TSPC). The designee shall notify the Oregon Department of Education (ODE) if the administrator receives a report of suspected sexual conduct that may have been committed by a school employee, contractor, agent or volunteer that is not a commission licensee.

If the executive director is the alleged perpetrator the report shall be submitted to the assistant executive director, who shall also report to the Board chair.

When the designee receives a report of suspected sexual conduct by a public charter school employee, and there is reasonable cause to support the report, the public charter school shall place the public charter school employee on paid administrative leave[[91]](#footnote-90) and take necessary actions to ensure the student’s safety. The employee shall remain on leave until TSPC[[92]](#footnote-91) or ODE[[93]](#footnote-92) determines that the report is substantiated and the public charter school takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the public charter school determines either: 1) an employment policy was violated and the public charter school will take appropriate employment action against the employee; or 2) an employment policy has not be violated and an employment action against the employee is not required.

When the designee receives a report of suspected sexual conduct by a contractor, an agent or a volunteer, the public charter school may prohibit the contractor, agent or volunteer from providing services to the public charter school. If the public charter school determines there is reasonable cause to support a report of suspected sexual conduct, the public charter school shall prohibit the contractor, agent or volunteer from providing services. The public charter school may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE, as appropriate, that the report is unsubstantiated.

Upon request from ODE or TSPC the public charter school will provide requested documents or materials to the extent allowed by state and federal law.

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is a public charter school employee represented by a contract, the investigation must meet any negotiated standards of such employment contract or agreement.

Nothing prevents the public charter school from conducting its own investigation, unless another agency requests to lead the investigation or requests the public charter school to suspend their investigation, or taking an employment action based on information available to the public charter school before an investigation conducted by another agency is completed. The public charter school will cooperate with agencies assigned to conduct such investigations.

A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.

If, following the investigation, the public charter school decides to take an employment action, the public charter school will inform the public charter school employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through an appeal process administered by a neutral third party.

If the public charter school is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, the public charter school shall create a record of the findings of the substantiated report and the employment action taken by the public charter school will be placed in the records on the school employee maintained by the public charter school. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the public charter school may use the record as a basis for providing information required to be disclosed about a public charter school employee under ORS 339.378(1). The public charter school will notify the employee that information about substantiated reports may be disclosed to a potential employer.

**Training**

The public charter school shall provide information and training each school year to public charter school employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of public charter school employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The public charter school shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending public charter school-operated schools, and will be made available separately from the training provided to public charter school employees.

The public charter school shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of public charter school employees under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The public charter school shall make available each school year training that is designed to prevent sexual conduct to students attending public charter school-operated schools.

**Molalla River Academy**

**Suspected Sexual Conduct Report Form**

Name of person making report:

Position of person making report:

Name of person suspected of sexual conduct:

Date and place of incident or incidents:

Description of suspected sexual conduct:

Name of witnesses (if any):

Evidence of suspected sexual conduct, e.g., letters, photos, etc. (attach evidence if possible):

Any other information:

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

Signature: Date:

**Molalla River Academy**

**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:

**Molalla River Academy**

Code: GBNAB/JHFE

Adopted: 3/03/22

**Suspected Abuse of a Child Reporting Requirements\*\***

Any public charter school employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse[[94]](#footnote-93) shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any public charter school employee who has reasonable cause to believe that **any person**[[95]](#footnote-94) with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010. If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by public charter school employees, contractors[[96]](#footnote-95), agents[[97]](#footnote-96), volunteers[[98]](#footnote-97), or students is prohibited and will not be tolerated. All public charter school employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulation.

Any public charter school employee who has reasonable cause to believe that another public charter school employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another public charter school employee, contractor, agent, volunteer or student shall immediately report such to the Oregon Department of Human Services (DHS) or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator.

The public charter school will designate a licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building, to receive reports of suspected abuse of a child by public charter school employees, contractors, agents, volunteers or students.

If the executive director is the alleged abuser the report shall be submitted to the assistant executive director who shall also report to the Board chair.

The public charter school will post the names and contact information of the designees for each school building, in the respective school if applicable, designated to receive reports of suspected abuse and the procedures in GBNAB/JHFE-AR(1) – Reporting of Suspected Abuse of a Child the designee will follow upon receipt of a report, the contact information for local law enforcement and the local DHS office or its designee, and a statement that this duty to report suspected abuse is in addition to the requirements of reporting to the designated licensed administrator. This information will be posted in the respective school building.

When a designee receives a report of suspected abuse, the designee will follow procedure established by the public charter school and set forth in administrative regulation GBNAB/JHFE-AR(1) - Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, or its designee, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support a report, a public charter school employee suspected of abuse shall be placed on paid administrative leave pending an investigation and the public charter school will take necessary actions to ensure the student’s safety. When there is reasonable cause to support a report, a public charter school contractor, agent or volunteer suspected of abuse shall be removed from providing services to the public charter school and the public charter school will take necessary actions to ensure the student’s safety.

The public charter school will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse of any actions taken by the public charter school as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee’s personnel file. A substantiated report of abuse by a student shall be documented in the student’s education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report of suspected abuse of a child by a public charter school employee, contractor, agent, volunteer or student, in good faith, the student will not be disciplined by the public charter school or any public charter school employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The public charter school shall provide information and training each school year to public charter school employees on the prevention and identification of abuse, the obligations of public charter school employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The public charter school shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending public charter school-operated schools, and will be made available separately from the training provided to public charter school employees. The public charter school shall provide each school year information on the prevention and identification of abuse, the obligations of public charter school employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The public charter school shall make available each school year training that is designed to prevent abuse to students attending public charter school-operated schools.

The public charter school shall provide to a public charter school employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the public charter school, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on public charter school employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. A public charter school employee, contractor or agent will not assist another public charter school employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the public charter school employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.

Nothing in this policy prevents the public charter school from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The public charter school shall make available to students, public charter school employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the public charter school will be appropriate and only when directed by public charter school administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use public charter school e-mail, using mailing lists and/or other internet messaging approved by the public charter school to a group of students rather than individual students or as directed by public charter school administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the public charter school is prohibited.

The executive director shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).125

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).370 - 339.400

[ORS 418](http://policy.osba.org/orsredir.asp?ors=ors-418).257 - 418.259

[ORS 419B](http://policy.osba.org/orsredir.asp?ors=ors-419b).005 - 419B.050

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2205

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).

Senate Bill 51 (2021).

**Cross Reference(s):**

BBF - Board Member Standards of Conduct

BBFC - Reporting of Suspected Abuse of a Child

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements

GCAB - Personal Electronic Devices and Social Media - Staff

JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements

**Molalla River Academy**

Code: GBNAB/JHFE-AR(1)

Adopted: 3/03/22

**Reporting Suspected Abuse of a Child**

**Reporting**

Any public charter school employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse[[99]](#footnote-98) shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any public charter school employee who has reasonable cause to believe that **any person**[[100]](#footnote-99) with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010.

Any public charter school employee who has reasonable cause to believe that another public charter school employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another public charter school employee, contractor, agent, volunteer or student shall immediately report such to the DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator or alternate licensed administrator for their school building.

If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that 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.

If the executive director is the alleged abuser the report shall be submitted to the assistant executive director who shall also make a report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student and will include: name and position of the person making the report; name of the student; name and position of any witness; 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; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report; date and time that the report was made; and name of the school administrator 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 designee that received the report.

When the designee receives a report of suspected abuse of a child by a public charter school employee, and there is reasonable cause to support the report, the public charter school shall place the public charter school employee on paid administrative leave[[101]](#footnote-100) and take necessary actions to ensure the student’s safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the public charter school takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the public charter school determines that either 1) an employment policy was violated and the public charter school will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the public charter school against the employee.

When the designee receives a report of suspected abuse by a contractor, agent or volunteer, the public charter school may prohibit the contractor, agent or volunteer from providing services to the public charter school. If the public charter school determines there is reasonable cause to support the report of suspected abuse, the public charter school shall prohibit the contractor agent or volunteer from providing services. The public charter school may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated[[102]](#footnote-101) and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

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.

If, following the investigation, the public charter school decides to take an employment action, the public charter school will inform the public charter school employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through an appeal process administered by a neutral third party.

If the public charter school is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the substantiated report and the employment action taken by the public charter school will be placed in the records on the school employee maintained by the public charter school. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the public charter school may use the record as a basis for providing information required to be disclosed about a public charter school employee under ORS 339.378(1). The public charter school will notify the employee that information about substantiated reports may be disclosed to a potential employer.

**Definitions**

1. Oregon law recognizes these and other types of abuse:
   1. Physical;
   2. Neglect;
   3. Mental injury;
   4. Threat of harm;
   5. Sexual abuse and sexual exploitation
2. “Child” means an unmarried person who is under 18 years of age or is under 21 years of age and residing in or receiving care or services at a child-caring agency.
3. A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.

**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.

Upon request from law enforcement or DHS the public charter school shall immediately provide requested documents or materials to the extent allowed by state and federal law.

**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 up to and including dismissal.

**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 DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. When the executive director is notified that the DHS or law enforcement would like to interview a student at school, the executive director must request that the investigating official fill out the appropriate form (See GBNAB/JHFE-AR(2) – Abuse of a Child Investigations Conducted on School Premises). The executive director or designee should not deny the interview based on the investigator’s refusal to sign the form. If the student is to be interviewed at the school, the executive director or designee shall make a private space available. The executive director or designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the executive director shall refuse access to the student.

Law enforcement officials wishing to remove a student from the premises shall present themselves at the office and contact the executive director or designee. The law enforcement official shall sign the student out in accordance with school procedures;

1. 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 or anyone else other than DHS or law enforcement agency, and any school employee necessary to enable the investigation.
2. The executive director or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
3. 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.

Nothing prevents the public charter school from conducting its own investigation, unless another agency requests to lead the investigation or requests the public charter school to suspend the investigation, or taking an employment action based on information available to the public charter school before an investigation conducted by another agency is completed. The public charter school will cooperate with agencies assigned to conduct such investigations.

**Molalla River Academy**

Code: GBNAB/JHFE-AR(2)

Revised/Reviewed: 3/03/22

**Abuse of a Child Investigations Conducted on School Premises**

The Department of Human Services (DHS) or a law enforcement agency has the authority to conduct an investigation of a report of child abuse on school premises according to Oregon Revised Statute (ORS) 419B.045. The school administrator must be notified that the investigation is to take place, unless the administrator is a subject of the investigation. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation.

After the investigator provides adequate identification, school staff shall allow access to the child and provide a private space for conducting the interview. The investigator shall be advised by a school administrator or a school staff member of a child’s relevant disabling conditions, if any, prior to any interview with the child. The school administrator or designee may, at the investigator’s discretion, be present to facilitate the investigation.

School staff may only notify DHS, the law enforcement agency or school employees that are necessary to enable the investigation. School staff may not notify any other persons, including the child’s parent(s) or guardian(s).

Investigator Name (Printed) Name of Agency

Name of Worker’s/Investigator’s Supervisor Supervisor Contact Information

Investigator Position and Badge or ID Number Student Name

School

Investigator Signature Date

* Investigator refused to sign. School staff should not deny entry based on refusal to sign.

**FOR COMPLETION BY SCHOOL STAFF**

□ Student not available for interview

□ Student refused to be interviewed

□ Administrator participated in interview

Name of Administrator Notified

Name of Office Staff Involved

Name of Participating Administrator

This form should be placed in a separate secure file and not in the student’s file.

**Molalla River Academy**

Code: GCA

Adopted: 3/03/22

**License Requirements**

The Board, in adhering to Oregon Revised Statutes, shall require all applicants selected for employment for positions that require licensing, to hold a valid Oregon license issued by the Teacher Standards and Practices Commission (TSPC) as a condition of employment. The public charter school must be able to verify the current license of applicants offered employment.

If an applicant’s teaching license application with the TSPC is pending, the applicant may teach for 90 calendar days after the date of submission of the application, if the applicant has:

1. Submitted an application in the manner and form required by the TSPC, including payment of all required fees;
2. Completed a background clearance conducted by the TSPC that includes having:
   1. Furnished fingerprints, if required;
   2. Provided satisfactory responses to character questions in the form and manner required by the TSPC; and
   3. Completed a criminal records check pursuant to state law and a background check through the interstate clearinghouse for revoked or suspended licenses, and is eligible for a teaching license.

The public charter school will complete a review of the applicant’s employment history prior to beginning employment.

The public charter school will verify the employee is properly licensed on the 91st calendar day after the application was submitted to the TSPC, if the employee’s license application is pending and the employee is teaching in the public charter school.

The verification of licensure includes all license endorsements. It shall be each licensed staff member’s responsibility to keep all endorsements current.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).374

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).120 - 342.203

[OAR 584-050](http://policy.osba.org/orsredir.asp?ors=oar-584-050)-0035

[OAR 584-200](http://policy.osba.org/orsredir.asp?ors=oar-584-200)-0020

**Molalla River Academy**

Code: GCAB

Adopted: 3/03/22

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

Staff possession or use of personal electronic devices on public charter school property, in public charter school facilities during the work day and while the staff is on duty in attendance at public charter school-sponsored activities, may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the executive director. At no time, whether on duty or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

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

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

Staff members, while on duty and off duty, will utilize social media websites, public websites and blogs, judiciously by not posting confidential information about students, staff or public charter school business.[[103]](#footnote-102) Staff may not post images of school facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release. Staff members, while on duty and off duty, will treat fellow employees, students and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school.

Communication with students using personal electronic devices will be appropriate and professional. Communication with students using personal electronic devices regarding nonschool-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically regarding school-related matters, staff should use school-sponsored and approved e-mail or messaging applications during work hours and at all other times. Texting students during work hours is discouraged. Texting students while off duty is strongly discouraged.

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

Staff is subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social media websites, public websites and blogs, while on or off duty, which disrupt the school environment, are subject to disciplinary

action up to and including dismissal. A “disruption”[[104]](#footnote-103) for purposes of this policy includes but is not limited to, one or more parent threatens to remove their children from a particular class or particular school, actual withdrawal of a student or students from a particular class or particular school, and/or a threatened or actual negative impact on the learning environment.

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

Licensed staff are subject at all times to the Standards or Competent and Ethical Performance of Oregon Educators.

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

END OF POLICY

**Legal Reference(s):**

[ORS 167](http://policy.osba.org/orsredir.asp?ors=ors-167).057

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).432

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).433

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).684

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).686

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).687

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).688

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).689

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).693

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).700

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).011

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).051

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).840

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[OAR 584-020](http://policy.osba.org/orsredir.asp?ors=oar-584-020)-0000 to -0035

Copyrights, Title 17, as amended, United States Code; 19 C.F.R. Part 133 (2014).

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

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

**Cross Reference(s):**

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements

JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements

**Molalla River Academy**

Code: GCBDA/GDBDA

Adopted: 3/03/22

**Family Medical Leave**

When applicable, the public charter school will comply with the provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA) of 2009 and other applicable provisions of Board policies regarding family medical leave.

FMLA applies to public charter schools with 50 or more employees within 75 miles of the employee’s work site, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

OFLA and OMFLA applies to public charter schools that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more work weeks 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.

In order for an employee to be eligible for the benefits under FMLA, the employee must have been employed by the public charter school for at least 12 months and have worked at least 1,250 hours during the past 12-month period.

In order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours per week and have been employed at least 180 calendar 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 calendar 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.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee’s eligibility for OMFLA.

Federal and state leave entitlements generally run concurrently.

The executive director will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

**Legal Reference(s):**

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).507

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).545

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659A).090

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).093

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).096

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).099

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).150 to -659A.186

[OAR 839-009](http://policy.osba.org/orsredir.asp?ors=oar-839-009)-0200 to -0320

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2012); 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2017).

Americans with Disabilities Act Amendments Act of 2008.

Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).

**Molalla River Academy**

Code: GCBDC/GDBDC

Adopted: 3/03/22

**Domestic Violence, Harassment, Sexual Assault, or Stalking Leave**

**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 Oregon Revised Statutes (ORS) 30.866, 107.095(1)(c), 107.700 - 107.735, 124.005 - 124.040 or 163.730 - 163.750 or any other order that restrains an individual from contact with an eligible employee or 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 166.065 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 695A.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 dependent, 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 to 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 a victim 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 or dependent.

The public charter school may limit the amount of leave, if the employee’s leave creates an undue 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 the employee’s 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 or 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 report from law enforcement 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 a victim services provider that the employee, employee’s child or 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 accrued paid leave that is offered by the public charter school, including personal, sick, and vacation leave.

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).355(38)

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).270 - 659A.290

**Molalla River Academy**

Code: GCBDC/GDBDC-AR

Revised/Reviewed: 3/03/22

**Request for Domestic Violence, Harassment, Sexual Assault or Stalking Leave**

PLEASE PRINT

Where the need for the leave may be anticipated, a written request for leave under Oregon Revised Statute (ORS) 659A.270 - 659A.285 shall be made at least 30 days prior to the date the requested leave is to begin. In emergency situations, oral or written notice as soon as practical is allowed.

Name of Eligible Employee Effective Date of the Leave

Department Title

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

The requested leave is for:

□ Myself

□ My minor child or dependent

The leave is for:

□ To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee’s minor child or dependent.

□ To seek medical treatment for or to recover from injuries caused by domestic violence, harassment, sexual assault or stalking for the eligible employee or the eligible employee’s minor child or dependent.

□ To obtain or assist the eligible employee’s 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.

□ To obtain services from a victim services provider for the eligible employee or the eligible employee’s minor child or dependent.

□ To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee’s minor child or dependent.

The following has been provided by the employee to certify the leave:

□ A copy of a report from law enforcement indicating that the eligible employee or the eligible employee’s minor child or dependent was a victim or alleged victim of domestic violence, harassment, sexual assault or stalking.

□ A copy of a protective order or any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent, evidence from a court, administrative

agency or attorney that the eligible employee appeared in or is preparing for a civil or criminal proceeding related to domestic violence, harassment, sexual assault or stalking or other order authorized by ORS 30.866, 107.095(1)(c), 107.700 - 107.735, 124.005 - 124.040 or 163.730 - 163.750.

□ Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider with or from whom the eligible employee or the eligible employee’s minor child or dependent is receiving services.

I understand that I may use accrued paid leave, including personal and sick leave or accrued vacation leave.

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 understand if I am unable to return to work following the period of authorized leave I will notify my employer as soon as practical and provide any required information which will allow my employer to determine my eligibility for an extension of leave.

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, consistent with state law.

Signature of Employee: Date:

**Molalla River Academy**

Code: GCDA/GDDA

Adopted: 3/03/22

**Criminal Records Checks and Fingerprinting**

In a continuing effort to ensure the safety and welfare of students and staff, the public charter school shall require all newly hired employees[[105]](#footnote-104) not requiring licensure under Oregon Revised Statute (ORS) 342.223 to submit to a criminal records check and/or fingerprinting as required by law. Other individuals, as determined by the public charter school, that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting, as established by Board policy and as required by law.

“Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision.

Pursuant to state law, criminal records checks or fingerprint-based criminal records checks shall be required of the following individuals[[106]](#footnote-105):

1. All individuals employed as or by a contractor considered by the public charter school to have direct, unsupervised contact with students;
2. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day;
3. Any individual considered for volunteer service with the public charter school who is allowed to have direct, unsupervised contact with students.

The public charter school will provide the written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or volunteer forms.

The public charter school shall require a fingerprint-based criminal records check for volunteers allowed direct, unsupervised contact with students, in the following positions:

1. Overnight chaperone;
2. Volunteers transporting students, other than their own, in a private vehicle off school property for a school-sponsored activity.

The procedure for processing fingerprint collection is further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

A subject individual shall be subject to the collection of fingerprint information, only after the offer of employment or contract from the public charter school and may be charged a fee by the public charter school. A subject individual may request the fee be withheld from the amount otherwise due the individual.

When the public charter school is notified of a subject individual who has been convicted of any crimes prohibiting employment or contract the individual will not be employed or contracted, or if employed will be terminated. When the public charter school is notified of a subject individual who knowingly made a false statement as to the conviction of any crime, the individual will not be employed or contracted with by the public charter school, or if employed by the public charter school may be terminated. A subject individual who failed to disclose the presence of convictions that would not otherwise prohibit employment or contract 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 begin the employment of a subject individual or terms of a public charter school contractor on a probationary basis pending the return and disposition of the required criminal records check.

The service of a volunteer allowed to have direct, unsupervised contact with students may begin on a probationary basis pending the return and disposition of a criminal records check.

The service of a volunteer in a position identified by the public charter school as requiring a fingerprint-based criminal records check will not begin before the return and disposition of a state and national criminal records check based on fingerprints.

A volunteer who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the public charter school.

The executive director shall develop administrative regulations as necessary to meet the requirements of law.

**Appeals**

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the public charter school to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

A volunteer may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the school to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

END OF POLICY

**Legal Reference(s):**

[ORS 181A](http://policy.osba.org/orsredir.asp?ors=ors-181a).180

[ORS 181A](http://policy.osba.org/orsredir.asp?ors=ors-181a).230

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).603

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).607

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).631

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(h)

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).127

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).143

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).223

[OAR 414](http://policy.osba.org/orsredir.asp?ors=oar-414)-061-0010 - 0030

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0510 – 021-0512

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2430

[OAR 584](http://policy.osba.org/orsredir.asp?ors=oar-584)-050-0012

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

**Molalla River Academy**

Code: GCDA/GDDA-AR

Revised/Reviewed: 3/03/22

**Criminal Records Checks and Fingerprinting**

**Requirements**

1. An individual who is an employee[[107]](#footnote-106) of a public charter school shall be required to submit to a criminal records check and fingerprinting.
2. Any individual newly hired employee[[108]](#footnote-107) and not requiring licensure under ORS 342.223 as a teacher, administrator, personnel specialist or school nurse, shall be required to submit to a criminal records check and fingerprinting.
3. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to submit to a criminal records check and fingerprinting with TSPC.
4. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to submit to a criminal records check and fingerprinting with TSPC.
5. Any individual hired as or by a contractor[[109]](#footnote-108) and into a position having direct, unsupervised contact with students as determined by the public charter school shall submit to a criminal records check and fingerprinting.

The executive director will identify contractors who are subject to such requirements.

1. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a criminal records check and fingerprinting.
2. All volunteers allowed by the public charter school into a position that has direct, unsupervised contact with students shall submit to a criminal records check.
3. A volunteer allowed to have direct, unsupervised contact with students, into a volunteer position identified in Board policy[[110]](#footnote-109) by the public charter school as requiring a fingerprint-based criminal records check, shall undergo a state and national criminal records check based on fingerprints.
4. A volunteer that is not likely to have direct, unsupervised contact with students will not be required to undergo an in-state criminal records check.

**Exceptions**

A newly hired employee[[111]](#footnote-110) is not subject to fingerprinting if the public charter school has evidence on file that the employee successfully completed a state and national criminal records check for a previous employer that was a public charter school, ESD or school district, and has not resided outside the state between the two periods of employment.

**Notification**

1. The public charter school will provide the following notification to individuals subject to criminal records checks and/or fingerprinting:
   1. Such criminal records checks and/or fingerprinting are required by law or Board policy;
   2. Any action resulting from such checks completed by the Oregon Department of Education (ODE) that impact employment, contract or volunteering may be appealed as a contested case to ODE;
   3. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
   4. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment, contract status or the ability to volunteer in the public charter school;
   5. An individual determined to have knowingly made a false statement as to the conviction of any crime on public charter school employment applications, contracts or ODE forms (written or electronic) may result in immediate termination from employment or contract status;
   6. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
   7. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer with the public charter school.
2. The public charter school will provide the written notice described above through means such as staff handbooks, employment applications, contracts or volunteer forms.

**Processing and Reporting Procedures**

1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the public charter school. The public charter school shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.
2. Fingerprints may be collected by one of the following:
   1. Employing public charter school staff;
   2. Contracted agent of employing public charter school; or
   3. Local or state law enforcement agency.
3. 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.
4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the public charter school of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment, contract or volunteering.
5. A copy of the fingerprinting results will be kept by the public charter school.

**Fees**

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the public charter school including persons hired as or by contractors, shall be paid by the individual.
2. An individual offered a contract or employment by the public charter school may, only upon request, request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law.
3. Fees associated with required criminal records checks for volunteers shall be paid by the individual.
4. Fees associated with a required fingerprinting for volunteers shall be paid by the public charter school.

**Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status**

1. A subject individual required to submit to a criminal records check and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the public charter school upon:
   1. Refusal to consent to a criminal records check and/or fingerprinting; or
   2. Notification[[112]](#footnote-111) from the Superintendent of Public Instruction that the employee has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.
2. A subject individual may be terminated from employment or contract status upon notification from the Superintendent of Public Instruction that the employee has knowingly made a false statement as to the conviction of any crime.
3. 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.
4. A volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and/or Board policy will be denied such ability to volunteer in the public charter school.
5. If the public charter school has been notified by the Superintendent of Public Instruction that a volunteer knowingly made a false statement or has a conviction for any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual will be denied the ability to volunteer.
6. A volunteer who knowingly makes a false statement, as determined by the public charter school, on a public charter school volunteer application form may be denied the ability to volunteer in the public charter school.

**Appeals**

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the public charter school to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

A volunteer may appeal a determination from a fingerprint-based criminal records check by ODE that prevents the ability to volunteer with the public charter school to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

**Molalla River Academy**

Code: GCL

Adopted: 3/03/22

**Staff Development - Licensed**

The Board recognizes the importance of continued educational experiences and other professional growth activities as a means to improve job performance. Continual work toward professional growth will be expected of all licensed staff members.

Professional development activities may include, but are not limited to, college courses, workshops, curriculum planning, research, travel, supervision of teacher trainees and other activities approved by the supervisor. Professional development offerings from the public charter school may be planned to help licensed employees meet the requirements of their licenses. The public charter school will provide appropriate, reasonable accommodations to ensure such training, whether provided by the public charter school or through public charter school contracts with third parties, is made available for qualified employees with disabilities.

Requests for release time for attendance at meetings or conferences may be approved by the executive director as deemed appropriate by the public charter school and with the stipulation that:

1. Requests are to be submitted sufficiently in advance to permit executive director consideration;
2. Professional development will be aligned with professional learning goals or student growth goals;
3. Where release time is granted, a written report will be submitted to the administration after such meeting or conference. Where such meetings or conferences are devoted primarily or exclusively to organizational or business affairs of associations of teachers, political workshops, training sessions for consultation committees and like activities, it is not considered appropriate for the Board to expend public charter school funds.

Each individual licensed employee is solely responsible for ensuring accurate completion of the professional development required for licensure. Once a licensed employee completes licensure requirements, the employee must submit evidence to the executive director, who will verify the licensed employee has successfully completed the professional development requirements on the Teacher Standards and Practices Commission (TSPC) Professional Educational Experience Report (PEER) form.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).138(3)

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).856

[OAR 584-018](http://policy.osba.org/orsredir.asp?ors=oar-584-018)-0205

[OAR 584-255](http://policy.osba.org/orsredir.asp?ors=oar-584-255)-0010 to -0030

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

Americans with Disabilities Act Amendments Act of 2008.

**Molalla River Academy**

Code: GCN/GDN

Adopted: 3/03/22

**Evaluation of Staff**

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher’s performance of the teaching responsibilities. It is also an important assessment of non-licensed employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract non-extension, contract renewal or non-renewal, dismissal and discipline.

**Licensed Staff**

The evaluation for licensed staff shall be based on the core teaching standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with teachers and any exclusive representatives of the licensed staff.

Evaluation and support systems established by the public charter school for teachers must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Classroom-level student learning and growth goals set collaboratively between the teacher and the evaluator;
3. Consideration of multiple measures of teacher practice and responsibility which may include, but are not limited to:
   1. Classroom-based assessments including observations, lesson plans and assignments;
   2. Portfolios of evidence:
   3. Supervisor reports; and
   4. Self-reflections and assessments.
4. Consideration of evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, that is both formative and summative. Evidence may also include other indicators of student success;
5. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities, and student learning and growth to determine the teacher’s professional growth path;
6. Customized by each public charter school, which may include individualized weighting and application of standards.

An evaluation using the core teaching standards must attempt to:

1. Strengthen the knowledge, skills, disposition and classroom practices of teachers;
2. Refine the support, assistance and professional growth opportunities offered to a teacher, based on the individual needs of the teacher and the needs of the students and the public charter school;
3. Allow the teacher to establish a set of classroom practices and student learning objectives that are based on the individual circumstances of the teacher, including the classroom and other assignments;
4. Establish a formative growth process for each teacher that supports professional learning and collaboration with other teachers;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the teacher; and
6. Address ways to help all educators strengthen their culturally responsive practices.

Evaluation and support systems established by the public charter school must evaluate teachers on a regular cycle. The executive director shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.

Each probationary teacher shall be evaluated at least annually, but with multiple observations. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher’s performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the public charter school.

**Non-licensed Staff**

All non-licensed employees will be formally evaluated by their immediate supervisor at least twice during their first year of employment and at least once each year thereafter.

END OF POLICY

**Legal Reference(s):**

[ORS 243](http://policy.osba.org/orsredir.asp?ors=ors-243).650

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).505

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).815 to -342.934

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2405

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2410

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2415

**Molalla River Academy**

Code: GCPC/GDPC

Adopted: 3/03/22

**Retirement of Staff**

To assist the public charter school in its planning efforts, staff members considering retirement are encouraged to notify the public charter school as early as possible, preferably at the beginning of the school year in which the retirement will take place.

Retiring employees are encouraged to coordinate with PERS and the executive director to ensure that all requirements are met. The executive director will develop requirements, limitations and procedures for employment as a PERS-retiree.

Public charter school employees will be allowed to retire under PERS and return to their position in the public charter school only for the remainder of the school year. A PERS retired individual may also apply for any open positions at the school.[[113]](#footnote-112)

END OF POLICY

**Legal Reference(s):**

[ORS Chapter 237](http://policy.osba.org/orsredir.asp?ors=ors-chapter-237)

[ORS Chapter 238](http://policy.osba.org/orsredir.asp?ors=ors-chapter-238)

[ORS Chapter 238A](http://policy.osba.org/orsredir.asp?ors=ors-chapter-238a)

[ORS 243](http://policy.osba.org/orsredir.asp?ors=ors-243).303

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).120

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2018).

Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2018).

Or. Const., art. IX, §§ 10-13.

**Molalla River Academy**

Code: GCPD

Adopted: 3/03/22

**Discipline and Dismissal of Staff**

The Board will ensure use of, and directs the executive director to follow, due process when disciplining and/or dismissing employees.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 652](http://policy.osba.org/orsredir.asp?ors=ors-652).140

[OAR 584-020](http://policy.osba.org/orsredir.asp?ors=oar-584-020)-0040

**Molalla River Academy**

Code: GCPD-AR

Revised/Reviewed: 3/03/22

**Discipline and Dismissal of Staff**

The Board will ensure use of due process and comply with all relevant portions of state and/or federal law, as applicable, when disciplining and/or dismissing employees.

**Discipline**

Discipline may be in the form of verbal reprimand, written reprimand or suspension depending on the circumstances of each case. Staff members will be disciplined, when in the sole discretion of the executive director or designee, such action is warranted. The level of any discipline issued shall also be at the sole discretion of the executive director or designee and will be based on the severity and frequency of the conduct at issue.

1. “Verbal Reprimand”: The executive director will hold a conference with the employee and will outline the nature of the problem and consider any comments from the employee. The executive director will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if the employee fails to follow the directives given as expected. A notation of the date of the conference, the individual(s) present and the points discussed at such conference shall be maintained in the executive director’s working files.
2. “Written Reprimand”: The executive director will hold a conference with the employee. The executive director will outline the nature of the problem and consider any comments from the employee. If after considering the comments presented by the employee, the executive director determines a written reprimand is appropriate, they will outline in a written “letter of reprimand” compliance with specified procedures and/or notate that cessation of certain conduct is required and/or the future consequences if the employee fails to follow any directives given as expected. The “letter of reprimand” issued shall be placed in the employee’s personnel file. The employee may choose to submit a letter of rebuttal regarding the “letter of reprimand” received; and if submitted, such rebuttal shall be placed in the employee’s personnel file.
3. “Suspension with Pay”: Employees may be suspended with pay in order to maintain the health and/or safety of other employees and/or students and pending the outcome of any related investigation. Employees may also be suspended with pay pending the outcome of an investigation of complaints regarding their job performance or conduct. Any such investigation shall be conducted promptly.
4. “Suspension without Pay”: As a result disciplinary actions against an employee, an employee may be suspended without pay. In any such instance, the executive director will hold a conference with the employee. The employee shall be given advance notice of the conference, the level of discipline being considered and the reason(s) such discipline is being considered.

If so requested by the employee, the employee may have a representative present of their choice. However, such representative may not be a school employee who is “on-duty” at the time of the conference.

During the conference, the executive director will outline the specific reason(s) for the conference including any findings reached during the school’s related investigation. Comments from the employee concerning the information presented must be considered. A second meeting with the employee may be required so that in the interim, the executive director can properly consider the employee’s comments and any new information presented.

If after considering the comments presented by the employee the executive director determines an unpaid suspension is appropriate, the executive director will outline in a written “letter of reprimand/suspension,” compliance with specified procedures and/or notate that cessation of certain conduct is required and/or the future consequences if the employee fails to follow any directives given as expected. The “letter of reprimand/suspension” issued shall be placed in the employee’s personnel file. The employee may choose to submit a letter of rebuttal regarding the “letter of reprimand/suspension” received, and if submitted, such rebuttal shall be placed in the employee’s personnel file.

**Dismissal**

In the event dismissal is deemed warranted, the executive director will hold a conference with the employee. The employee shall be given advance notice of the conference, the level of discipline being considered and the reason(s) such discipline is being considered.

If so requested by the employee, the employee may have a representative present of their choice. However, such representative may not be a school employee who is “on-duty” at the time of the conference.

During the conference, the executive director will outline the specific reason(s) for the conference including any findings reached during the school’s related investigation and any previous related discipline issued. Comments from the employee concerning the information presented must be considered. A second meeting with the employee may be required so that in the interim, the executive director can properly consider the employee’s comments and any new information presented.

If after considering the comments presented by the employee it is determined dismissal is appropriate, the executive director will notify the employee in writing of such determination. This “letter of dismissal” will outline the specific reasons for the determination reached; include any supporting information considered; and any related discipline issued to the employee in the past. This letter shall be placed in the employee’s personnel file. The employee may choose to submit a letter of rebuttal regarding the “letter of dismissal” received, and if submitted, such rebuttal shall be placed in the employee’s personnel file.

**Illness/Other Circumstances**

Illness and/or other circumstances which prevent an employee from performing the essential functions of their position as expected must be considered by the school prior to disciplining or dismissing the employee. Depending on the specific situation in question, state and/or federal law may require additional procedures and/or considerations and may limit the school’s ability to discipline and/or dismiss an employee.

**Wages**

Whenever an employee is dismissed or where such employment is terminated by mutual agreement, all wages earned and unpaid at the time of discharge or termination shall be payable no later than the end of the first business day after discharge or termination.

**Molalla River Academy**

Code: IGAC

Adopted: 3/03/22

**Religion and Schools**

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

Students and staff members may be excused from participating in programs or activities which are contrary to their religious beliefs without penalty.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).035

U.S. Const. amend. I.

Or. Const., art. I.

Kennedy v. Bremerton Sch. Dist., 869 F.3d 813 (9th Cir. 2017).

**Molalla River Academy**

Code: IGAC-AR

Revised/Reviewed: 3/03/22

**Recognition of Religious Beliefs and Customs**

**Observances of Religious Holidays**

The practice of the public charter school shall be as follows:

1. Holidays which have a religious and secular basis may be observed in the public schools;
2. The historical and contemporary values and the origin of religious and secular holidays may be explained in an unbiased and objective manner without sectarian indoctrination;
3. Music, art, literature and drama having religious themes or bases are permitted as part of school-sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday;
4. The use of religious symbols that are a part of a religious holiday is permitted as a teaching aid or resource provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature;
5. The school’s calendar should be prepared to minimize conflicts with religious holidays.

**Religion in the Curriculum**

1. The public charter school supports the inclusion of religious literature, music, drama and the arts in the curriculum and in school activities provided it is intrinsic to the learning experience in the various fields of study and is presented objectively.
2. The emphasis on religious themes in the arts, literature and history should be only as extensive as necessary for a balanced and comprehensive study of these areas.
3. As curriculum and instruction includes theories, views and precepts, they will be presented as such.
4. Student-initiated expressions to questions or assignments which reflect their religious or nonreligious beliefs are permissible. For example, students are free to express religious or nonreligious belief in compositions, art forms, music, speech and debate.

**Molalla River Academy**

Code: IGAEB

Adopted: 3/03/22

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

Students have a right to attend school in an environment conducive to learning. The public charter school will not tolerate the possession, selling or use of unlawful and harmful drugs (illicit drugs, non therapeutic 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.

After consulting with staff, parents and students, through such groups as community agencies and representatives from drug, alcohol or health service agencies, the Board will adopt a written plan for a drug, alcohol and tobacco prevention and intervention program.

**Drug Prevention Program**

Each classroom K-8 shall receive drug, alcohol and tobacco prevention instruction as part of the health education program.

For students not enrolled in health education, the public charter school administrator will ensure a program of activities which reflects current research and meets the requirements of the public charter school’s prevention and intervention program.

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 annually receive information and detailed procedures regarding the public charter school’s intervention/referral program through the school’s parent/student handbook and the staff handbook published by the school.

Each year students and parents shall receive a code of conduct explaining expected behaviors and related consequences for violations of the code of conduct 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 – Discipline of Students with Disabilities including those involving functional behavioral assessment, change or placement, manifestation determination and an interim alternative educational setting.

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

END OF POLICY

**Legal Reference(s):**

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).575

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).067

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).222

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).873

[ORS Chapter 475](http://policy.osba.org/orsredir.asp?ors=ors-475)

[OAR 581-011](http://policy.osba.org/orsredir.asp?ors=oar-581-011)-0052

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2000

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2040

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2045

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2050

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2055

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2060

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2070

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2075

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2205

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2220

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2225

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2230

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2235

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2240

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2325

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2410

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2415

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2420

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2425

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2430

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2435

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2440

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2600

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2605

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0050

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0055

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2030

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2045

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670; 86.1-86.7 (2017).

Controlled Substances Act, 21 U.S.C. § 812 (2012); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2017).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

34 C.F.R. §§ 300.108.

**Cross Reference(s):**

GBEC - Drug-Free Workplace

**Molalla River Academy**

Code: IGAI

Adopted: 3/03/22

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

The public charter school shall provide an age appropriate, comprehensive plan of instruction focusing on human sexuality, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects. Course material and instruction for all human sexuality education courses that discuss human sexuality shall enhance a student’s understanding of sexuality as a normal and healthy aspect of human development. A part of the comprehensive plan of instruction shall provide age-appropriate child sexual abuse prevention instruction for students in kindergarten through grade 8. The public charter school must provide a minimum of four instructional sessions annually; one instructional session is equal to one standard class period. In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students in grades 6 through 8.

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

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

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

The comprehensive plan of instruction shall comply with state standards.

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

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

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

END OF POLICY

**Legal Reference(s):**

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).035

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).107

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).455 - 336.475

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).370 - 339.400

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0009

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2050

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2220

**Molalla River Academy**

Code: IGBAB/JO

Adopted: 3/03/22

**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 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.

Records requested by another district or public charter school to determine a student’s appropriate placement may not be withheld.

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 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 may recover a fee for providing a copy of the record.

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.

The public charter school’s notice includes criteria for determining legitimate educational interest and the criteria for determining which school officials within the agency 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 an emancipated student and the general public.

END OF POLICY

**Legal Reference(s):**

[ORS 30](http://policy.osba.org/orsredir.asp?ors=ors-030).864

[ORS 107](http://policy.osba.org/orsredir.asp?ors=ors-107).154

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).565

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).575

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(a)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).270

[ORS 343](http://policy.osba.org/orsredir.asp?ors=ors-343).177(3)

[OAR 166-400](http://policy.osba.org/orsredir.asp?ors=oar-166-400)-0010 to 166-400-0065

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0220 to -0430

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2260

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2270

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2017).

**Cross Reference(s):**

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

JOA - Directory Information

JOB - Personally Identifiable Information

JN - Student Fees, Fines and Charges

**Molalla River Academy**

Code: IGBAB/JO-AR

Adopted: 3/03/22

**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:

* 1. 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;
  2. Records of the law enforcement unit of the public charter school subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
  3. 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 their status as a student, are education records and are not accepted under this section;
  4. 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 their 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.
  5. Records that only contain information relating to activities in which an individual engaged after they are no longer a student at the public charter school;
  6. 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:

* 1. Name and address of educational agency or institution;
  2. Full legal name of the student;
  3. Student birth date and place of birth;
  4. Name of parents;
  5. Date of entry in school;
  6. Name of school previously attended;
  7. Courses of study and marks received;
  8. Data documenting a student’s progress toward achievement of state standards and must include a student’s Oregon State Assessment results;
  9. Credits earned;
  10. Attendance;
  11. Date of withdrawal from school; and
  12. 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.

1. Confidentiality of Student Records
   1. The public charter school shall keep confidential any record maintained on a student in accordance with OAR 581-021-0220 through 581-021-0430.
   2. The public charter school shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
   3. The public charter school shall identify one official to assume responsibility for ensuring the confidentiality of any personally identifiable information.
   4. All persons collecting or using personally identifiable information shall receive training or instruction on state policies and procedures.
2. 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 an eligible student has a right to:

* 1. Inspect and review the student’s education records;
  2. 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;
  3. 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;
  4. 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
  5. 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 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.

1. 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:

* 1. Within a reasonable period of time and without unnecessary delay;
  2. 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;
  3. 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 an eligible student shall comply with the following procedure to inspect and review a student’s education record:

* 1. Provide a written, dated request to inspect a student’s education record; and
  2. 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 their expense, have those records reviewed by a physician or other appropriate professional of their 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) 192.345(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[[114]](#footnote-113). The executive director or designee shall be the person responsible for maintaining and releasing the education records.

1. 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:

* 1. 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 district1 official employed by the public charter school or district as the executive director, supervisor, instructor or staff support member; a person serving on a public charter school or district board; a person or company with whom the public charter school or district 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

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).

The public charter school shall maintain, for public inspection, a listing of the names and positions of individuals within the public charter school or district1 who have access to personally identifiable information with respect to students with disabilities.

* 1. The disclosure is to officials of another school within the district1;
  2. The disclosure is to authorized representatives 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.
  3. 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.

* 1. 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.
  2. 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.
  1. The disclosure is to accrediting organizations to carry out their accrediting functions;
  2. 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;
  3. 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;
  4. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
  5. 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.

* 1. The disclosure is information the district has designated as “directory information” (See Board policy JOA – Directory Information);
  2. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;
  3. 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;

* 1. 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;

* 1. The disclosure is 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.

1. 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 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:

* 1. The party or parties who have requested or received personally identifiable information from the education records; and
  2. 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:

* 1. The parent(s) or an eligible student;
  2. The school official or designee who are responsible for the custody of the records;
  3. Those parties authorized by state or federal law for purposes of auditing the record keeping procedures of the public charter school.

1. 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, they may ask the executive director or designee where the record is maintained to amend the record.

The executive 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 executive 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 their right to appeal the decision by requesting a hearing.

1. Hearing Rights of Parents or Eligible Students

If the executive 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:

* 1. The executive director or designee;
  2. A member chosen by the eligible student or student’s parent(s); and
  3. A disinterested, qualified third party appointed by the executive director.

The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of their 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 a 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 they disagree with the decision of the panel. If a statement is placed in an education record, the public charter school will ensure that the statement:

* 1. Is maintained as part of the student’s records as long as the record or a contested portion is maintained by the public charter school or the district[[115]](#footnote-114); and
  2. 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:

* 1. Amend the record accordingly; and
  2. Inform the eligible student or the student’s parent(s) of the amendment in writing.

1. 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.

1. 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:

* 1. The student’s permanent records, for one year;
  2. 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, 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.

**Molalla River Academy**

Code: IGDF

Adopted: 3/03/22

**Student Fund-Raising Activities**

All fund raising must be approved by the executive director or designee and supervised by the appropriate staff advisor.

Activities that include fund raising for charitable or other causes not relating to school activities, must obtain prior approval from the executive director or designee.

A student or staff member may not solicit funds in the name of the public charter school through the use of internet-based or crowd-funding types of fund raising, without the approval of the executive director or designee.

Fund-raising projects involving the sale of products must be approved by the staff advisor and by the executive director or designee before the activity is initiated. Solicitation of funds is expressly prohibited without the executive director’s consent.

If fund raising consists of selling food and beverage items to students during the regular or extended school day, the food and beverage items must comply with state and federal nutrition standards, rules and laws. This does not apply to food and beverage items sold at school-related or nonschool-related events for which parents and other adults are a significant part of the audience.

END OF POLICY

**Legal Reference(s):**

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).423

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).880

[OAR 137-025](http://policy.osba.org/orsredir.asp?ors=oar-137-025)-0020 to -0530

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2660(2)

Federal Smart Snacks in School Rules, 7 C.F.R. Part 210.11 (2017).

**Molalla River Academy**

Code: IIBGA

Adopted: 3/03/22

**Electronic Communications System**

The public charter school electronic communications system will be used to provide statewide, national and global communications opportunities for staff and students and for the advancement and promotion of teaching and learning.

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

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

Administrative regulations will be consistent with sound guidelines as may be provided by the Oregon Department of Education and/or the Oregon Government Ethics Commission, copyright law, and will include a complaint procedure for reporting violations.

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

END OF POLICY

**Legal Reference(s):**

[ORS 167](http://policy.osba.org/orsredir.asp?ors=ors-167).060 - 167.100

[ORS Chapter 192](http://policy.osba.org/orsredir.asp?ors=ors-chapter-192)

[ORS 260](http://policy.osba.org/orsredir.asp?ors=ors-260).432

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(a)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).270

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0050

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0055

[OAR 584-020](http://policy.osba.org/orsredir.asp?ors=oar-584-020)-0040

[OAR 584-020](http://policy.osba.org/orsredir.asp?ors=oar-584-020)-0041

Children’s Internet Protection Act, 47 U.S.C. §§ 254 (h) and (l) (2018); 47 C.F.R. Section 54.520 (2019).

Copyrights, 17, U.S.C. §§ 101-1332 (2018); 19 C.F.R. Part 133 (2020).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C.§§ 7101-7117 (2018).

Drug-Free Workplace Act of 1988, 41 U.S.C.§§ 8101-8107 (2018); 34 C.F.R. Part 84, Subpart F (2020).

Controlled Substances Act, 21 U.S.C.§ 812, Schedules I through V (2018); 21 C.F.R. §§ 1308.11-1308.15 (2020).

Americans with Disabilities Act of 1990, 42 U.S.C.§§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Family Educational Rights and Privacy Act, 20 U.S.C.§ 1232g (2018); 34 C.F.R. Part 99 (2020).

Every Student Succeeds Act, 20 U.S.C. § 7131 (2018).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

**Cross Reference(s):**

GBN/JBA - Sexual Harassment

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements

JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements

**Molalla River Academy**

Code: IIBGA-AR

Revised/Reviewed: 3/03/22

**Electronic Communications System**

**Definitions**

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

**General Public Charter School Responsibilities**

The public charter school will:

1. Designate staff as necessary to ensure coordination and maintenance of the public charter school’s electronic communications system which includes all public charter school computers, e-mail and Internet access;
2. Provide staff training in the appropriate use of the public charter school’s electronic communications system including copies of public charter school policy and administrative regulations. Staff will provide similar training to authorized system users;
3. Provide a system for authorizing staff use of personal electronic devices to access public charter school proprietary information that ensures the protections of said information in accordance with board policy. The school will provide a system for obtaining prior written agreement from staff for the recovery of public charter school proprietary information downloaded to staff personal electronic devices as necessary to accomplish public charter school purposes, obligations or duties, and when the use on the personal electronic device is no longer authorized, to ensure verification that information downloaded has been properly removed from the personal electronic device; (See Staff User Agreement)
4. Cooperate fully with local, state or federal officials in any investigation relating to misuse of the public charter school’s electronic communications system;
5. Use only properly licensed software, audio or video media purchased by the public charter school or approved for use by the school. The school will comply with the requirements of law regarding the use, reproduction and distribution of copyrighted works and with applicable provisions of use or license agreements;
6. Install and use server virus detection and removal software;
7. Provide technology protection measures that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or with respect to the use of computers by minors, harmful to minors. A supervisor or other individual authorized by the executive director may disable the technology protection measures to enable access for bona fide research or other lawful purposes, as deemed appropriate;
8. Prohibit access by minors to inappropriate matter on the Internet and World Wide Web;
9. Provide staff supervision to monitor the online activities of students to prevent unauthorized access, including “hacking” and other unlawful activities online, and ensure the safety and security of minors when authorized to use e-mail, social media, chat rooms, applications and other forms of direct electronic communication;
10. Provide student education about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking and social media websites, applications and in chat rooms;
11. Determine which users and sites, accessible as part of the public charter school’s electronic communications system, are most applicable to the curricular needs of the public charter school and may restrict user access accordingly;
12. Determine which users will be provided access to the public charter school’s electronic communications system;
13. Notify appropriate system users that:
    1. The public charter school retains ownership and control of its computers, hardware, software and data at all times. All communications and stored information transmitted, received or contained in the public charter school’s information system are the public charter school’s property and are to be used for authorized purposes only. Use of public charter school equipment or software for unauthorized purposes is strictly prohibited. To maintain system integrity, monitor network etiquette and ensure that those authorized to use the public charter school’s system are in compliance with Board policy, administrative regulations and law, the school administrators may routinely review user files and communications;
    2. Files and other information, including e-mail, sent or received, generated or stored on public charter school servers are not private and may be subject to monitoring. By using the public charter school’s system, individuals consent to have that use monitored by authorized public charter school personnel. The public charter school reserves the right to access and disclose, as appropriate, all information and data contained on public charter school computers and public charter school-owned e-mail system;
    3. E-mail sent or received by a Board member or employee in connection with the transaction of public business may be a public record and subject to state archivist rules for retention and destruction;
    4. Information and data entered or stored on the public charter school’s computers and e-mail system may be subject to disclosure if a public records request is made or a lawsuit is filed against the public charter school. “Deleted” or “purged” data from public charter school computers or e-mail system may be retrieved for later public records disclosure or disciplinary purposes, as deemed necessary by the public charter school;
    5. Passwords used on the public charter school’s electronic communications system will be changed on a schedule determined by the public charter school;
    6. Transmission of any communications or materials related to activities prohibited by ORS 260.432 is not allowed.
14. Ensure all student, staff and nonschool system users complete and sign an agreement to abide by the public charter school’s electronic communications system policy and administrative regulations. All such agreements will be maintained on file in the school office;
15. Notify users of known copyright infringing activities and deny access to or remove the material.

**Electronic Communications System Access**

1. Access to the public charter school’s electronic communications system is authorized to:

Board members, public charter school employees and students in grades K-8, with parent approval and when under the direct supervision of staff, and public charter school volunteers, public charter

school contractors or other members of the public as authorized by the system coordinator or public charter school administrators consistent with the public charter school’s policy governing use of public charter school equipment and materials.

1. Students may be permitted to use the public charter school’s electronic communications system, when consistent with board policy and administrative regulations, for school and instructional related activities. Personal use of school-owned computers or devices including Internet and e-mail access is permitted when consistent with board policy and administrative regulations and when during the school day.

Staff and Board members may be permitted to use the public charter school’s electronic communications system to conduct business related to the management or instructional needs of the school or to conduct research related to education and when in compliance with Board policy and administrative regulations. Personal use of the public charter school’s system or school-owned computers or devices including Internet and e-mail access by school staff may be permitted when consistent with Oregon ethics laws, Board policy and administrative regulations[, when used on school property, and when on own time. Personal use of the public charter school’s system or school-owned computers or devices by Board members is prohibited.

**General Use Prohibitions and Guidelines/Etiquette**

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

1. General Use Prohibitions

The following conduct is strictly prohibited:

* 1. Attempts to use the public charter school’s electronic communications system for:
     1. Unauthorized solicitation of funds;
     2. Distribution of chain letters;
     3. Unauthorized sale or purchase of merchandise and services;
     4. Collection of signatures;
     5. Membership drives;
     6. Transmission of any materials regarding political campaigns.
  2. Attempts to upload, download, use, reproduce or distribute information, data, software or file share music, videos or other materials on the public charter school’s system in violation of copyright law or applicable provisions of use or license agreements;
  3. Attempts to degrade, disrupt or vandalize the public charter school’s equipment, software, materials or data or those of any other user of the public charter school’s system or any of the agencies or other networks connected to the public charter school’s system;
  4. Attempts to evade, change or exceed resource quotas or data usage quotas;
  5. Attempts to send, intentionally access or download any text file or picture or engage in any communication that includes, but not limited to, material which may be interpreted as:
     1. Harmful to minors;
     2. Obscene or child pornography as defined by law or indecent, vulgar, profane or lewd as determined by the public charter school;
     3. A product or service not permitted to minors by law;
     4. Harassment, intimidation, bullying, menacing, threatening, or a bias incident;
     5. Constitutes insulting or fighting words, the very expression of which injures or harasses others, or which includes a symbol of hate;
     6. A likelihood that, either because of its content or the manner of distribution, it will cause a material or substantial disruption of the proper and orderly operation of the school or school activity;
     7. Defamatory, libelous, reckless or maliciously false, potentially giving rise to civil liability, constituting or promoting discrimination, a criminal offense or otherwise violates any law, rule, regulation, Board policy and/or administrative regulation.
  6. Attempts to gain unauthorized access to any service via the public charter school’s system which has a cost involved or attempts to incur other types of costs without specific approval. The user accessing such services will be responsible for these costs;
  7. Attempts to post or publish personal student contact information unless authorized by the executive director or designee and consistent with applicable Board policies pertaining to student directory information and personally identifiable information. Personal student contact information may include photograph, age, home, school, work or e-mail addresses or phone numbers or other unauthorized disclosure, use and dissemination of personal information regarding students;
  8. Attempts to arrange student meetings with anyone on the public charter school’s electronic communications system, unless authorized by the executive director or designee or when consistent with school or educational related activities and with prior parent approval when necessary;
  9. Attempts to represent self on behalf of the school through use of the public charter school’s name in external communication forums, e.g., social media, chat rooms, without prior public charter school authorization;
  10. Attempts to use another individual’s account name or password, failure to provide the public charter school with individual passwords or to access restricted information, resources or networks to which the user has not been granted access.

1. Guidelines/Etiquette

System users will:

* 1. Adhere to the same standards for communicating online that are expected in the classroom and consistent with Board policy and administrative regulations;
  2. Respect other people’s time and cyberspace. Use real-time conference features such as video/talk/chat/Internet relay chat only as approved by the executive director or designee;
  3. Respect the privacy of others. Do not read the mail or files of others without their permission;
  4. Protect password confidentiality. Passwords are not to be shared with others;
  5. Communicate only with such users and/or sites as may be authorized by the public charter school;
  6. Report violations of the public charter school’s policy and administrative regulation or security problems to the teacher, executive director or designee.

**Complaints**

The public charter school’s established complaint procedure in Board policy KL - Public Complaints and accompanying administrative regulation may be used to process complaints or concerns about violations of policy and administrative regulations.

**Violations/Consequences**

1. Students
   1. Students who violate general system user prohibitions shall be subject to discipline up to and including expulsion and/or revocation of access to the public charter school electronic communications system access up to and including permanent loss of privileges.
   2. Violations of law may be reported to law enforcement officials and may result in criminal or civil sanctions.
   3. Disciplinary action may be appealed by parents, students and/or a representative in accordance with established public charter school procedures.
2. Staff
   1. Staff who violate general system user prohibitions shall be subject to discipline up to and including dismissal in accordance with Board policy, collective bargaining agreements and applicable provisions of law.
   2. Violations of law may be reported to law enforcement officials and may result in criminal or civil sanctions.
   3. Violations of applicable Teacher Standards and Practices Commission (TSPC), Standards for Competent and Ethical Performance of Oregon Educators will be reported to TSPC as provided by Oregon Administrative Rules (OAR) 584-020-0041.
   4. Violations of ORS 244.040 may be reported to Oregon Government Ethics Commission (OGEC).
3. Others
   1. Other guest users who violate general electronic communications system user prohibitions shall be subject to suspension of system access up to and including permanent revocation of privileges.
   2. Violations of law may be reported to law enforcement officials or other agencies, as appropriate, and may result in criminal or civil sanctions.

**Student Agreement for an Electronic Communications System Account**

Student agreement must be renewed each academic year.

**Student Section**

Student Name Grade

School

I have received notice of, read and agree to abide by the provisions adopted and included in the school’s electronic communications system policy and administrative regulation. I understand that violation of these provisions may result in discipline, up to and including expulsion from school, and/or suspension or revocation of system access and related privileges, and/or referral to law enforcement officials.

Student Signature Date

**Parent**

I have received notice of and read the school’s electronic communications system policy and administrative regulation. I give my permission to the public charter school to issue an account for my student and certify that the information contained in this form is correct. I will monitor my student’s use of the system and the access to the Internet and will accept responsibility for supervision in that regard if and when my student’s use is not in a school setting. In consideration for the privilege of using the school’s electronic communications system and in consideration for having access to the public networks, I hereby release the school, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my, or my student’s use, or inability to use, the system including, without limitation, the type of damages identified in the school’s policy and administrative regulation.

Signature of Parent Date

Email Address

Home Phone Number Cell Number

Email Address

**Agreement for an Electronic Communications System Account**

(Nonschool System User - Volunteer)

I have received notice of, read and agree to abide by the provisions adopted and included in the school’s electronic communications system policy and administrative regulation. I understand that violation of these provisions may result in suspension and/or revocation of system access and related privileges, and/or referral to law enforcement officials.

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

Signature Date

Home Address

Home Phone Number Cell Number

Email Address Date of Birth

**Parent** (Required if nonschool-system user is under 18 years of age)

I have received notice of and read the public charter school’s Electronic Communications System policy and administrative regulation. I give permission to the school to issue an account for my child and certify that the information contained on this form is correct. I will monitor my child’s use of the system and the potential access to the Internet and will accept responsibility for supervision in that regard if and when my child’s use is not in a school setting. In consideration for the privilege of using the school’s electronic communications system and in consideration for having access to the public networks, I hereby release the school, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my, or my child’s use, or inability to use, the system including, without limitation, the type of damages identified in the school’s policy and administrative regulation.

Signature of Parent Date

Email Address Home Address

Home Phone Number Cell Number

**Agreement for an Electronic Communications System Account**

(Staff System User)

I have received notice of, read and agree to abide by the provisions in the school’s electronic communications system policy and administrative regulation. I understand that violation of these provisions may result in suspension and/or revocation of system access and related privileges, and may include discipline, up to and including dismissal, and/or referral to law enforcement officials.

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

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

Signature Date

Email Address

Home Phone Number Cell Number

**Molalla River Academy**

Code: IICA

Adopted: 3/03/22

**Field Trips and Special Events\*\***

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

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

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

Written parental permission must be obtained. The signed form showing parental approval and acknowledgment of student conduct guidelines will be maintained on file.

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

All out-of-county travel must have prior Board approval. Such approval is predicated on an acceptable plan for travel arrangements, parental involvement, orientation of students and supervisors and support of the executive director.

END OF POLICY

**Legal Reference(s):**

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).014

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).240 to -339.250

**Cross Reference(s):**

EEAE - Student Transportation in Private Vehicle

KK - Visitors to School Facilities

**Molalla River Academy**

Code: IKI

Adopted: 3/03/22

**Academic Integrity and Plagiarism**

The Board encourages the development of critical thinking skills in students, to show them the benefits of setting and accomplishing goals and to help the student realize the satisfaction and reward of learning.

Academic dishonesty and plagiarism are prohibited and will not be tolerated. Students will receive instruction on academic integrity, including but not limited to the definition of plagiarism and appropriate methods of citing sources.

“Plagiarism” is the use of another person’s words, ideas, or facts as if they are your own, without giving credit to the original source. Even if it is unintentional, plagiarism is theft. It includes but is not limited to works, internet sources, works of art, music, photographs, and the spoken word.

Students are expected to put forth their best effort on tests and assignments. Students are encouraged to converse with others and assist other students except when it is inconsistent with testing or assignment instructions. This dialogue or exchange of ideas both inside and outside the classroom helps facilitate learning by everyone. Assisting others is prohibited when it would constitute academic dishonesty. Prohibited events include, but are not limited to, using or sharing prohibited study aides or other written materials on tests or assignments. Academic dishonesty also includes sharing, collaborating or communicating with others on tests or assignments, before or during tests or assignments, in violation of directions by the class instructor. Academic dishonesty may also include knowingly sharing false information or knowingly misleading another to reach a false answer or conclusion.

Additional rules and guidelines established in the *Parent and Student Handbook* are made a part herein.

Violation of this policy by a student may result in a disciplinary action in accordance with the *Parent and Student Handbook*[1].

END OF POLICY

**Legal Reference(s):**

[**ORS 338**](http://policy.osba.org/orsredir.asp?ors=ors-338)**.115 O**[**RS 339**](http://policy.osba.org/orsredir.asp?ors=ors-339)**.240** [**ORS 339**](http://policy.osba.org/orsredir.asp?ors=ors-339)**.250** [**OAR 581-021**](http://policy.osba.org/orsredir.asp?ors=oar-581-021)**-0050 - 007**

**[1]** Use of suspension or expulsion as discipline for a student in violation of this policy is limited to criteria found in Oregon Revised Statute (ORS) 339.250.

**Molalla River Academy**

Code: IL

Adopted: 3/03/22

**Assessment Program\*\***

The public charter school assessment program shall be designed for the purpose of determining public charter school program improvement and individual student needs including the requirements of the Oregon Administrative Rules. Each year the public charter school shall determine each student’s progress toward achieving federal, state and local achievement requirements.

Assessments shall be used to measure the academic content standards and to identify students who meet or exceed the performance standards adopted by the State Board of Education.

It is the intent of the Board that progress be measured in a manner that clearly enables the student and parents to know whether the student is making progress toward meeting or exceeding academic content standards. School and individual results shall be reported to the Board, parents and the community, as prescribed by law.

The public charter school shall not discriminate in, including but not limited to, the methods, practices and materials used for assessment, evaluating and counseling students on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability or marital status. Discrimination complaints shall be processed in accordance with established procedures.

A parent on behalf of their student or an adult student may annually opt-out of taking a statewide summative assessment by completing and submitting ODE’s opt-out form[[116]](#footnote-115) to the public charter school. The school shall provide supervised study time for students who are excused from participating in the assessment. A student may be excused from the Oregon Statewide Assessment Program for disability or religious reasons. Parents and adult students will be provided the required notices[[117]](#footnote-116) and access to forms by the school that include a time frame in which statewide assessments will take place, and an adult student’s or parent’s right to request an exemption from taking the statewide summative assessments.

The act of student-initiated test impropriety is prohibited. A student that participates in an act of student-initiated test impropriety will be subject to discipline. “Student-initiated test impropriety” means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

The executive director shall ensure a periodic review and evaluation of the public charter school’s assessment program is conducted.

END OF POLICY

**Legal Reference(s):**

[ORS 40](http://policy.osba.org/orsredir.asp?ors=ors-40).245

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).565

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).575

[ORS 329](http://policy.osba.org/orsredir.asp?ors=ors-329).451

[ORS 329](http://policy.osba.org/orsredir.asp?ors=ors-329).479

[ORS 329](http://policy.osba.org/orsredir.asp?ors=ors-329).485

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).187

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659)[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).850

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0030

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2010

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2015

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2020

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2030

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2060

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2100

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2115

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2250

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2270

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2310

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2020).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2020).

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2018).

Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2018).

*Test Administration Manual*, published by the Oregon Department of Education.

House Bill 3041 (2021).

Senate Bill 602 (2021).

Senate Bill 744 (2021).

**Molalla River Academy**

Code: INDB

Adopted: 3/03/22

**Flag Displays and Salutes**

A United States (U.S.) flag and an Oregon State flag of an appropriate size shall be displayed on or near each school building under the control of the Board or used by the public charter school, during school hours, except in unsuitable weather and at any other time the Board deems proper.

A National League of Families’ POW/MIA flag of appropriate size shall be displayed on or near each school building when required by state law[[118]](#footnote-117) and in the same manner as a U.S. and Oregon State flag.

The public charter school shall obtain U.S. flag of an appropriate size for each classroom to display.

Students shall receive instruction in respect for the national flag, and be provided an opportunity to salute the U.S. flag at least once each week during the school year by reciting *The Pledge of Allegiance*.

A flag salute may be implemented at assemblies, before or after school, at lunch, special events, home room class, athletic contests or at other times deemed appropriate by the administrator. Individual staff members and students who do not participate in the salute must maintain a respectful silence during the salute.

Upon request from an Oregon Sovereign tribal government, a flag representing the sovereign tribal government must be displayed on, near, or within a school building during school hours. The location of the flag will be determined by the public charter school in consultation with the requesting sovereign tribal government.

END OF POLICY

**Legal Reference(s):**

[ORS 186](http://policy.osba.org/orsredir.asp?ors=ors-186).110

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).067

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).875

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0043

W. Va. St. Bd. of Educ. v. Barnette, 319 U.S. 624 (1943).

**Molalla River Academy**

Code: ING

Adopted: 3/03/22

**Animals in School Facilities**

Only service animals[[119]](#footnote-118) serving persons with a disability and animals approved by the executive director or designee that are part of an approved school curriculum or cocurricular activity are allowed in school facilities.

Approved animals must be adequately cared for and appropriately secured. Only the staff member or student designated by the executive director are to handle the animals.

If animals are to be kept in the classroom on days when classes are not in session, arrangements must be made for their care.

Animals, except those service animals serving persons with a disability, may not be transported on a school bus.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).400

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0010

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0230(9)(j)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0330(1)(q)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0430(16)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0531(15)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 28 CFR §§ 35.104, 35.136 (2017).

Americans with Disabilities Act Amendments Act of 2008.

**Molalla River Academy**

Code: ING-AR

Revised/Reviewed: 3/03/22

**Animals in School Facilities**

If the animal is a service animal[[120]](#footnote-119), please answer the following Questions:

1. Is the service animal required due to a disability?

1. What work or task has the service animal been trained to perform[[121]](#footnote-120)?

If an animal is not a service animal, the school staff may request emergency contact information.

**Molalla River Academy**

Code: JB

Adopted: 3/03/22

**Equal Educational Opportunity\*\***

Every student of the public charter school will be given equal educational opportunities regardless of age, sex, sexual orientation, gender identity, race[[122]](#footnote-121), religion, color, national origin, disability, parental status, familial status, marital status, linguistic background, culture, socioeconomic status, capability or geographic location.

The public charter school may not limit student enrollment based on ethnicity, national origin, race, religion, sex, sexual orientation, gender identity, disability, income level, proficiency in English language, the terms of an individualized education program (IEP) or athletic ability, except as authorized under Oregon law. The public charter school may limit admission to students within a given grade level. The public charter school must select students through an equitable lottery selection process if the number of student applicants exceeds the capacity of a program, class, grade level or building. The public charter school may implement a weighted lottery that favors historically underserved students in accordance with ORS 338.125[[123]](#footnote-122). The school may give priority for admission to students in accordance with ORS 338.125.

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 or denied access to facilities in the school.

A student or parent may also access and use the public charter school’s general complaint procedure through Board policy KL - Public Complaints.

All reports, complaints or information will be investigated.

A student of the public charter school may not be subjected to retaliation by the public charter school for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.

END OF POLICY

**Legal Reference(s):**

[ORS 174](http://policy.osba.org/orsredir.asp?ors=ors-174).100

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).630

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).051

[ORS 329](http://policy.osba.org/orsredir.asp?ors=ors-329).025

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).086

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).125

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).850

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).852

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).001

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).003

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).006

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).103 - 659A.145

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).400

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).403

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).406

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0045

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0046

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2310

[OAR 839](http://policy.osba.org/orsredir.asp?ors=oar-839)-003

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12333 (2018).

House Bill 2935 (2021).

House Bill 2954 (2021).

House Bill 3041 (2021).

**Cross Reference(s):**

AC - Nondiscrimination

ACA - Americans with Disabilities Act

JBB - Educational Equity

**Molalla River Academy**

Code: JBA/GBN

Adopted: 3/03/22

**Sexual Harassment**

The public charter school is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the public charter school. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The public charter school processes complaints or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

**General Procedures**

When information, a report or complaint regarding sexual harassment is received by the public charter school, the public charter school will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The public charter school may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures[[124]](#footnote-123).

**Oregon Definition and Procedures**

**Oregon Definition**

Sexual harassment of students, staff members or third parties[[125]](#footnote-124) shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
   1. Interferes with a student’s educational activity or program;
   2. Interferes with a public charter school staff member’s ability to perform their job; or
   3. Creates an intimidating, offensive or hostile environment.
3. Assault when sexual contact occurs without the student’s, staff member’s or third party’s consent because the student, staff member of third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Sexual harassment does not include conduct that is necessary because of a job duty of a public charter school staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person’s action, offensive because of that other person’s sexual orientation or gender identity.

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 sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

**Oregon Procedures**

Reports and complaints of sexual harassment should be made to the following individual(s):

**Name Position Phone Email**

Melanie Marrone Executive director 503-829-6672 mmarrone@mra-k8.com

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. *See* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

**Response**

Any staff member who becomes aware of behavior that may violate this policy shall immediately report to a public charter school official so the public charter school official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the public charter school official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to public charter school officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate public charter school official.

**Investigation**

All reports and complaints about behavior that may violate this policy shall be investigated. The public charter school may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The public charter school will use a reasonable person standard when determining whether a hostile environment exists.

The public charter school may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for public charter school electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding public charter school procedures and resources.

When a student or staff member is harassed by a third party, the public charter school will consider the following:

1. Removing that third party’s ability to contract or volunteer with the public charter school, or be present on public charter school property;
2. If the third party works for an entity that contracts with the public charter school, communicating with the third party’s employer;
3. If the third party is a student of another public charter school or school, communicate information related to the incident to the other public charter school, school or school district;
4. Limiting attendance at public charter school events; and
5. Providing for additional supervision, including law enforcement if necessary, at public charter school events.

**No Retaliation**

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a public charter school staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the public charter school’s drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person’s knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

**Notice**

When a person[[126]](#footnote-125) who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the public charter school shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include[[127]](#footnote-126):

1. Name and contact information for all person designated by the public charter school to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the public charter school that the student, student’s parents, staff member, person or person’s parent who filed the complaint may pursue, including the person designated for the public charter school for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the public charter school may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the public charter school, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the public charter school;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
   1. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
   2. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the public charter school’s drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person’s knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students’ parents, staff members and member of the public at each office, at the public charter school office and on the website of the public charter school.

**Federal Definition and Procedures**

**Federal Definition**

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the public charter school conditioning the provision of an aid, benefit, or service of the public charter school on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the public charter school’s education program or activity[[128]](#footnote-127);
3. “Sexual assault”: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. “Dating violence”: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. “Domestic Violence”: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; or
6. “Stalking”: engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person’s own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A public charter school’s treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

**Federal Procedures**

The public charter school will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

**Reporting**

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. The report can be made at any time.

The executive director is designated as the Title IX Coordinator and can be contacted at 503-829-6672. The Title IX Coordinator will coordinate the public charter school’s efforts to comply with its responsibilities related to this AR. The public charter school prominently will display the contact information for the Title IX Coordinator on the public charter school website and in each handbook.

**Response**

The public charter school will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[[129]](#footnote-128) The public charter school shall treat complainants and respondents equitably by providing supportive measures[[130]](#footnote-129) to the complainant and by following a grievance procedure[[131]](#footnote-130) prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.[[132]](#footnote-131)

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.[[133]](#footnote-132) The public charter school must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

**Notice**

The public charter school shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the public charter school of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the public charter school does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the public charter school will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary[[134]](#footnote-133), or both.

**No Retaliation**

Neither the public charter school or any person may retaliate[[135]](#footnote-134) against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The public charter school must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

**Publication**

This policy shall be made available to students, parents of students and staff members. This policy and contact information for the Title IX Coordinator shall be prominently published in the public charter school student handbook and on the school website. This policy shall also be made available at the school office. The public charter school shall post this policy on a sign in all buildings housing grades 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any student, parent of a student, school staff member, or third party upon request.

END OF POLICY

**Legal Reference(s):**

[ORS 243](http://policy.osba.org/orsredir.asp?ors=ors-243).706

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).700

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).704

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).708

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).850

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).865

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).850

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).006

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).029

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659a).030

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0038

[OAR 584](http://policy.osba.org/orsredir.asp?ors=oar-584)-020-0040

[OAR 584](http://policy.osba.org/orsredir.asp?ors=oar-584)-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

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

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

**Cross Reference(s):**

GBN/JBA - Sexual Harassment

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student

JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements

**Molalla River Academy**

Code: JBA/GBN-AR(1)

Revised/Reviewed: 3/03/22

**Sexual Harassment Complaint Procedure**

Reports and complaints of sexual harassment should be made to the following individual(s):

**Name Position Phone Email**

Melanie Marrone Executive director 503-829-6672 mmarrone@mra-k8.com

The public charter school official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board policy JBA/GBN - Sexual Harassment.

Step 1 The public charter school official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy JBA/GBN - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law within 30 days of receipt of the report or complaint.

A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be maintained.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the decision of the executive director in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the executive director’s decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the executive director’s decision in Step 1 is final.

The executive director is authorized to amend these procedures (including timelines) when the executive director feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.

Complaints against the executive director or a Board member (other than the Board chair) may start at step 2 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 2 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

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 Second Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint may be obtained through the public charter school office.

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 executive 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 Oregon Administrative Rule (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 abuse of a child.

**Molalla River Academy**

16897 S. Callahan Road, Molalla, Oregon 97038 | 503-829-6672

**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:

**Molalla River Academy**

16897 S. Callahan Road, Molalla, Oregon 97038 | 503-829-6672

**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:

**Molalla River Academy**

Code: JBA/GBN-AR(2)

Adopted: 3/03/22

**Federal Law (Title IX) Sexual Harassment Complaint Procedure**

**Additional Definitions**

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the public charter school’s Title IX Coordinator or any official of the public charter school who has authority to institute corrective measures on behalf of the public charter school, or to any employee of an elementary or secondary school.[[136]](#footnote-135)

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent[[137]](#footnote-136) and requesting that the public charter school investigate the allegation of sexual harassment.[[138]](#footnote-137)

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the public charter school’s educational environment, or deter sexual harassment.[[139]](#footnote-138) The public charter school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

**Formal Complaint Procedures**

Upon receipt of a formal complaint, the public charter school will provide the parties[[140]](#footnote-139) written notice of the following:

1. Notice of the public charter school’s grievance process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details[[141]](#footnote-140) known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the public charter school’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

**Investigation**

The Title IX Coordinator will coordinate the public charter school’s investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the public charter school and not on the parties.[[142]](#footnote-141)
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the
6. advisor of their choice.[[143]](#footnote-142) The public charter school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
7. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
8. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.[[144]](#footnote-143) Prior to completion of the investigative report, the public charter school must send to each party and party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
9. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party’s advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the public charter school has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions[[145]](#footnote-144) that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person’s status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the public charter school to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the public charter school decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the public charter school must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the public charter school, or anyone participating on behalf of the public charter school, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

**Determination of Responsibility**

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence[[146]](#footnote-145) standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the public charter school’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
   1. A determination regarding responsibility;
   2. Any disciplinary sanctions the public charter school imposes on the respondent; and
   3. Whether remedies designed to restore or preserve equal access to the public charter school’s education program or activity will be provided by the public charter school to the complainant; and
6. The public charter school’s procedures and permissible bases for the complainant and respondent to appeal.

The public charter school must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

**Remedies**

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions[[147]](#footnote-146) may include:

1. Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;
4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.[[148]](#footnote-147)

Other remedies may include:

1. Educational programming.

**Dismissal of a Formal Complaint**

The public charter school must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the public charter school’s education program or activity[[149]](#footnote-148); or
3. Did not occur against a person in the United States.

The public charter school may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the public charter school; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the public charter school must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

**The dismissal of a formal complaint under Title IX does not preclude the public charter school from continuing any investigation and taking action under a different process. The public charter school may have an obligation to continue an investigation and process under a different process.**

**Consolidation of Complaints**

The public charter school may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

**Informal Resolution**

If the public charter school receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the public charter school may offer an optional informal resolution process, provided that the public charter school:

1. Provides written notice to the parties disclosing:
   1. The allegations;
   2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing toa resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
   3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties’ voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**Appeals**

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within 15 days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or

3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

When an appeal is filed, the public charter school must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-makers(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

**Timelines**

The public charter school will complete the following portions of the grievance process within the specified timelines:

1. General grievance process (from receipt of formal complaint to determination of responsibility: 90 days;
2. Appeals (from receipt of appeal): 60 days;
3. Informal resolution process: 60 days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause[[150]](#footnote-149) with written notice to the parties.

**Records**

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R.

§106.45(a)(10).[[151]](#footnote-150)

**Training**

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the public charter school’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evident, including when questions about evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the public charter school’s website.

**Molalla River Academy**

Code: JBAA

Adopted: 3/03/22

**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 their 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[[152]](#footnote-151) that substantially limits one or more major life activities[[153]](#footnote-152); 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;
5. Annually identify and locate all Section 504 qualified students with disabilities in the public charter school who are not receiving a free appropriate public education (FAPE)[[154]](#footnote-153);
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[[155]](#footnote-154) 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:
   1. 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;
   2. To examine, copy and request amendments of the student’s educational records;
   3. 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 administrator, 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.

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 Individuals with Disabilities Education Act (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 IDEA, will be disciplined in accordance with Board policy JGDA - 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

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).630

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).051(1)(e)

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(a)

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).850

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).865

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659A).103

[ORS 659A](http://policy.osba.org/orsredir.asp?ors=ors-659A).109

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2030

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2390

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0045

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0046

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0049

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2310

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2012).

Americans with Disabilities Amendments Act of 2008.

Nondiscrimination on the Basis of Handicap in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 104 (2017).

**Molalla River Academy**

Code: JBB

Adopted: 3/03/22

**Educational Equity**

The public charter school is committed to the success of every student. For that success to occur, the public charter school is committed to equity by recognizing institutional barriers and creating access and opportunities that benefit each student. “Achieving educational equity” means students’ identities will not predict or predetermine their success in school.

Educational equity is based on the principles of fairness and justice in allocating resources, opportunity, treatment and creating success for each student.

Educational equity promotes the real possibility of equality of educational results for each student and between diverse groups of students. Equity strategies are intentional, systemic and focused on the core of the teaching and learning process.

To achieve educational equity, the public charter school will commit to:

1. Systematically using schoolwide data disaggregated by race/ethnicity, national origin, language, special education, sex, non-binary, socioeconomic status and mobility[[156]](#footnote-155) to inform public charter school decision making.
2. Raising the achievement of all students while narrowing the gap between the lowest and the highest performing students.
3. Eliminating the predictability and disparity in all aspects of education and its administration, including but not limited to, the disproportionate representation of students by race, poverty, sex, sexual orientation, gender identity, and national origin in discipline, special education and in various advanced learning.

In order to achieve educational equity for each and every student:

1. The public charter school shall provide every student with equitable access to high quality curriculum, support, facilities and other educational resources, even when this means differentiating resource allocation.
2. The public charter school shall review existing policies, programs, professional development and procedures for the promotion of educational equity, and all applicable new policies, programs and procedures will be developed with educational equity as a priority.
3. The public charter school shall actively work toward a balanced teacher and administrator workforce to reflect the diversity of the student body. The public charter school seeks to recruit, employ,

support and retain a workforce that includes racial, gender and linguistic diversity, as well as culturally and linguistically responsive administrative, instructional and support personnel.

1. The public charter school shall provide professional development to strengthen employees’ knowledge and skills for eliminating opportunity gaps and other disparities in achievement.
2. The public charter school shall create a welcoming, inclusive culture and environment that reflects and supports diversity of the student population, their families and their community.
3. The public charter school shall include partners who have demonstrated culturally specific expertise, including but not limited to, families, government agencies, institutions of higher learning, early childhood education organizations, community-based organizations, local businesses and the community in general, in meeting our high goals for educational outcomes. The public charter school shall seek to involve students, staff, families and community members that reflect public charter school demographics to inform decisions regarding the narrowing of the achievement and other opportunity gaps.
4. The public charter school shall provide multiple pathways to success in order to meet the needs of the diverse student body and shall actively encourage, support and expect high academic achievement for each student.
5. The public charter school shall provide materials and assessments that reflect the diversity of students and staff and are geared toward the understanding and appreciation of [culture, class, language, ethnicity, poverty, ability and other differences that contribute to ]the uniqueness of each student and staff member.

The executive director shall include equity practices in the public charter school’s strategic plan strategies to implement this policy. The executive director will annually report to the Board the progress of the strategic plan.

END OF POLICY

**Legal Reference(s):**

[ORS 174](http://policy.osba.org/orsredir.asp?ors=ors-174).100

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).075

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 342](http://policy.osba.org/orsredir.asp?ors=ors-342).437 - 342.449

House Bill 3041 (2021).

**Cross Reference(s):**

AC - Nondiscrimination

ACB - Every Student Belongs

JB - Equal Educational Opportunity

**Molalla River Academy**

Code: JE

Adopted: 3/03/22

**Attendance\*\***

Attendance requirements are to:

1. Contribute to the academic success of students;
2. Inform parents about their student’s class attendance or nonattendance;
3. Place the responsibility for attendance in the hands of students and their parents;
4. Aid students in making decisions and accepting the responsibilities and consequences resulting from those decisions;
5. Stress that punctual and regular attendance is a learned function necessary in coping with life;
6. Stress attendance may impact grades and credit;
7. Meet Oregon graduation requirements.

Each school shall notify parents or 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 or guardian. If the parent or guardian cannot be notified by the above methods, a message shall be left, if possible.

The Board directs the public charter school administrator to develop rules which meet these objectives and to publish those rules annually for students and their parents.

END OF POLICY

**Legal Reference(s):**

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).010

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).020

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).030

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).055

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).065

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).071

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0050

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2000

**Molalla River Academy**

Code: JEA

Adopted: 3/03/22

**Compulsory Attendance\*\***

Except when exempt by Oregon law, all children between ages 6 and 18 who have not completed the 12th grade are required to regularly attend a public, full-time school during the entire school term.

All children five years of age who have been enrolled in a public school are required to attend regularly while enrolled in the public school.

Persons having legal control of a child between the ages 6 and 18, who has not completed the 12th grade, are required to have the child attend and maintain the child in regular attendance during the entire school term. Persons having legal control of a child, who is five years of age and has enrolled the child in a public school, are required to have the child attend and maintain the child in regular attendance during the school term.

Attendance supervisors shall monitor and report any violation of the compulsory attendance law to the administrator or designee. Failure to send a child to school and to maintain a child in regular attendance in school is a Class C violation.

The public charter school will develop procedures for issuing a citation.

A parent who is not supervising their child by requiring school attendance may also be in violation of Oregon Revised Statute (ORS) 163.577(1)(c); failing to supervise a child is a Class A violation.

**Exemptions from Compulsory School Attendance**

In the following cases, children shall not be required to attend public, full-time schools:

1. Children being taught in a private or parochial school in courses of study usually taught in kindergarten through grade 12 in the public schools, and in attendance for a period equivalent to that required of students attending public schools.
2. Children proving to the Board’s satisfaction that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.
3. Children who have received a high school diploma or a modified diploma.
4. Children being taught, by a private teacher, the courses of study usually taught in kindergarten through grade 12 in the public school for a period equivalent to that required of students attending public schools.
5. Students being educated in the home by a parent or guardian or private teacher.
6. Children whose sixth birthday occurred on or before September 1 immediately preceding the beginning of the current school year, if the parent or guardian notified the child’s resident district in writing that the parent or guardian is delaying the enrollment of their child for one school year to better meet the child’s needs for cognitive, social or physical development, as determined by the parent or guardian.
7. Children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.
8. Children excluded from attendance as provided by law.
9. Children who are eligible military children[[157]](#footnote-156) are exempt up to 10 days after the date of military transfer or pending transfer indicated in the official military order.
10. An exemption may be granted to the parent or guardian of any child 16 or 17 years of age who is lawfully employed full-time, or who is lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615.
11. An exemption may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558.

END OF POLICY

**Legal Reference(s):**

[ORS 153](http://policy.osba.org/orsredir.asp?ors=ors-153).018

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).577

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).010 - 339.095

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).139

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).990

[ORS 807](http://policy.osba.org/orsredir.asp?ors=ors-807).065

[ORS 807](http://policy.osba.org/orsredir.asp?ors=ors-807).066

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0026

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0029

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0076

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0077

**Molalla River Academy**

Code: JECAC/GBH

Adopted: 3/03/22

**Staff/Student/Parent Relations\*\***

The Board encourages parents to be involved in their student’s school educational activities and, unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of the following authority as it relates to:

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

It is the responsibility of the parent with sole custody to provide any court order or parental plan that curtails the rights of the noncustodial parent at the time of enrollment or any other time a court order is issued.

In the case of joint custody, the district will adhere to all conditions specified and ordered by the court.

The public charter school will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

**Legal Reference(s):**

[ORS 107](http://policy.osba.org/orsredir.asp?ors=ors-107).101

[ORS 107](http://policy.osba.org/orsredir.asp?ors=ors-107).102

[ORS 107](http://policy.osba.org/orsredir.asp?ors=ors-107).106

[ORS 107](http://policy.osba.org/orsredir.asp?ors=ors-107).154

[ORS 109](http://policy.osba.org/orsredir.asp?ors=ors-109).056

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).245 - 163.257

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

**Cross Reference(s):**

GBH/JECAC - Staff/Student/Parent Relations

**Molalla River Academy**

Code: JED

Adopted: 3/03/22

**Student Absences and Excuses\*\***

It is the student’s responsibility to maintain regular attendance in all assigned classes. A student’s absence from school or class will be excused under the following circumstances:

1. Illness, including mental and behavioral health 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. Student is a dependent of a member of the U.S. Armed Forces[[158]](#footnote-157) who is on active duty or who is called to active duty. The student may be excused for up to seven days during the school year;
5. Field trips and school-approved activities;
6. Medical (dental) appointments. Confirmation of appointments may be required;
7. Other reasons deemed appropriate by the public charter school administrator when satisfactory arrangements have been made in advance of the absence.

The public charter school shall notify a parent or guardian 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 or guardian. If the parent or guardian cannot be notified by the above methods, a message shall be left, if possible.

END OF POLICY

**Legal Reference(s):**

[ORS 109](http://policy.osba.org/orsredir.asp?ors=ors-109).056

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).030

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).055

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).065

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).071

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).420

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0046

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0050

[OAR 581-023](http://policy.osba.org/orsredir.asp?ors=oar-581-023)-0006(11)

**Molalla River Academy**

Code: JEDA

Adopted: 3/03/22

**Truancy**

“Truancy” is defined as absence from school without permission.

The public charter school believes irregular attendance is one of the factors associated with student failure and frustration with the school experience. A fundamental purpose for insisting on punctual, regular school attendance is to help each student develop habits of responsibility.

With these beliefs in mind, the public charter school will develop procedures that foster a partnership with parents in the early detection of truancy, related counseling and appropriate consequences[[159]](#footnote-158).

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).040 to -339.090

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).240

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0050 to-0075

**Molalla River Academy**

Code: JF/JFA

Adopted: 3/03/22

**Student Rights and Responsibilities\*\***

The 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 these 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 their rights;
4. The right to free inquiry and expression; the responsibility to observe reasonable rules regarding these rights;
5. The right to privacy, which includes privacy with respect to the student’s education records.

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

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

END OF POLICY

**Legal Reference(s):**

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).061

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).072

[ORS 337](http://policy.osba.org/orsredir.asp?ors=ors-337).150

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(a)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).155

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).240

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).850

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).865

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0045

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0046

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0050 to -0075

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2310

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

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

**Cross Reference(s):**

JFC - Student Conduct

**Molalla River Academy**

Code: JFC

Adopted: 3/03/22

**Student Conduct\*\***

The 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, in cooperation with staff, and will be made available and distributed to parents, students and employees outlining student conduct expectations and possible disciplinary actions, including consequences for disorderly conduct. In addition, the public charter school shall publish a student/parent handbook detailing additional rules specific to that school.

Students in violation of Board policy, administrative regulation and/or code of conduct provisions will be subject to discipline up to and including expulsion. Students are subject to discipline for conduct while at school-sponsored events, while at other schools in the district and while off campus, whenever such conduct causes a substantial and material disruption of the educational environment or the invasion of rights of others. Students may be denied participation in extracurricular activities. A referral to law enforcement may also be made.

Students are prohibited from making knowingly false statements or knowingly submitting false information in bad faith as part of a complaint or report, or associated with an investigation into misconduct.[[160]](#footnote-159)

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).850

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0060(2)

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0061

Nondiscrimination on the Bases of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Tinker v. Des Moines Sch. Dist., 393 U.S. 503 (1969).

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).

Morse v. Frederick, 551 U.S. 393, 127 S. Ct. 2618 (2007).

C.R. v. Eugene S.D. 4J, No. 12-1042, U.S. District Court of OR (2013).

**Cross Reference(s):**

ECAB - Vandalism, Malicious Mischief or Theft

JF/JFA - Student Rights and Responsibilities

JG - Student Discipline

**Molalla River Academy**

Code: JFCEB

Adopted: 3/29/22

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

Student possession or use of personal electronic devices on public charter school property, in public charter school facilities during the school day and while the student is in attendance at public charter school-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the executive director.

Personal electronic devices may be used by students in grades 6-8 during instructional or class time only when authorized by the teacher. Personal electronic devices should be turned off and stored out of sight at all other times. Students in grades K-5 are prohibited from bringing personal electronic devices to school. Devices which have the capability to take photographs or record video or audio shall not be used for such purposes while on public charter school property or while a student is engaged in public charter school-sponsored activities, unless as expressly authorized in advance by the principal or designee. Computers, tablets, iPads, iWatches or similar devices brought to school will be restricted to academic activities.

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

A process for responding to a student’s request to use a personal electronic device, including an appeal process if the request is denied, will be provided.

The public charter school will not be liable for personal electronic devices brought to public charter school property and public charter school-sponsored activities.

Students may not use public charter school equipment to access social media websites while on public charter school property or at public charter school-sponsored activities unless the access is approved by a public charter school representative. The public charter school will not be liable for information or comments posted by students on social media websites.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with prior principal or designee approval or when use is provided for in a student’s individualized education program (IEP).

Students are subject to disciplinary action up to and including expulsion for using a personal electronic device in any manner that is academically dishonest, illegal or violates the terms of this policy[[161]](#footnote-160). A

referral to law enforcement officials may also be made. Personal electronic devices brought to public charter school property or used in violation of this policy are subject to confiscation and will be released to the student’s parent or property owner, as appropriate.

The executive director or designee shall ensure that the Board’s policy and any subsequent school rules developed by building administrators are reviewed and approved in advance to ensure consistency with this policy and that pertinent provisions of policy and school rules are communicated to staff, students and parents through building handbooks and other means.

END OF POLICY

**Legal Reference(s):**

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).840

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

Copyrights, 17 U.S.C. §§ 101-1332; 19 C.F.R. Part 133 (2012).

**Molalla River Academy**

Code: JFCEB-AR

Revised/Reviewed:

**Personal Electronic Devices and Social Media**

Students may use and possess personal electronic devices on public charter school grounds subject to the following:

1. Personal electronic devices shall not be used in a manner that disrupts the educational process, school programs or activities, or in a manner that violates law, Board policy, administrative regulation or school rules;[[162]](#footnote-161)
2. Unless as authorized in advance by the executive director or designee for health or safety reasons, or in the event of an emergency situation that involves imminent physical danger, devices may only be turned on and operated in accordance with Board policy;
3. Personal electronic devices which have the capability to take photographs or record video or audio shall not be used for such purposes while on public charter school property or at public charter school-sponsored events unless as expressly authorized in advance by the executive director or designee;
4. The public charter school shall not be responsible for loss, theft or damage to personal electronic devices brought to public charter school property or public charter school-sponsored events;
5. Personal electronic devices may be used as electronic study aids during the school day if provided as a part of a student’s individualized education program (IEP) or if permission is received from the student’s teacher;
6. The use of personal electronic devices in any way to send or receive messages, data or information that would pose a threat to academic integrity, contribute to or constitute academic dishonesty is strictly prohibited;
7. The use of personal electronic devices in any manner that would violate the confidentiality or privacy rights of another individual is strictly prohibited;
8. Students shall comply with any additional school rules as established by the executive director and classroom rules concerning the appropriate use of personal electronic devices;
9. Personal electronic devices used in violation of law, Board policy, administrative regulation or approved school rules will be confiscated, turned in to the school office and returned to the student

or parent following parent notification, conference, detention, suspension, expulsion and/or referral to law enforcement officials as appropriate;

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

**Molalla River Academy**

Code: JFCF

Adopted: 3/03/22

**Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying,**

**Teen Dating Violence, or Domestic Violence – Student\*\***

The Board, in its commitment to providing a safe, positive, and productive learning environment for all students, will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy compliance with applicable Oregon law.

Hazing, harassment, intimidation or bullying, menacing, and acts of cyberbullying by students, staff, and third parties toward students is strictly prohibited in the public charter school. Teen dating violence is unacceptable behavior and prohibited. Each student has the right to a safe learning environment.

Retaliation against a victim, any person who reports, is thought to have reported, or files a complaint about an act of hazing, harassment, intimidation or bullying, menacing, an act of cyberbullying, or teen dating violence, or otherwise participates in an investigation or inquiry is strictly prohibited. A person who engages in retaliatory behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in consequences and appropriate remedial action.

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial actions which may include discipline, up to and including expulsion.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include 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 superintendent or the Board.

Students, staff, or third parties may also be referred to law enforcement officials.

The administrator 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 jurisdiction 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. 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, and 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; or
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, gender identity, 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.

“Domestic violence” means abuse by one or more of the following acts between family and/or household members[[163]](#footnote-162):

1. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury;
2. Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury;
3. Causing another to engage in involuntary sexual relations by force or threat of force.

“Cyberbullying” is the use of any electronic communication device to harass, intimidate or bully.

“Retaliation” means any acts of, including but not limited to, hazing, harassment, intimidation or bullying, menacing, or cyberbullying toward a person in response to an actual or apparent reporting of, or participation in the investigation of, hazing, harassment, intimidation or bullying, acts of cyberbullying, teen dating violence, or retaliation.

“Menacing” includes any act intended to place a district employee, student or third party in fear of imminent serious physical injury.

**Reporting**

The executive director or designee will take reports and conduct a prompt investigation of any report of an act of hazing, harassment, intimidation or bullying, menacing, cyberbullying, or teen dating violence. Any employee who has knowledge of conduct in violation of this policy shall immediately report concerns to the executive 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 vehicle used for school-provided transportation shall immediately report the incident to the executive director. Failure of an employee to report an act of hazing, harassment, intimidation or bullying, menacing, an act of cyberbullying, or teen dating violence to executive 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 they have been hazed, harassed, intimidated or bullied, menaced, a victim of teen dating violence, or acts of being cyberbullied in violation of this policy, is encouraged to immediately report concerns to the executive 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 concerns to the executive director. A report made by a student or volunteer 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.

Reports against the executive director shall be filed with the Board chair.

The person who makes the report shall be notified when the investigation has been completed and, as appropriate, the findings of the investigation and any remedial action that has been taken. The person who made the report may request that the administrator review the actions taken in the initial investigation, in accordance with administrative regulations.

**Notification to Parents or Guardians**

The executive director or designee shall notify the parents or guardians of a student who was subject to an act of harassment, intimidation, bullying or cyberbullying, and the parents or guardians of a student who may have conducted an act of harassment, intimidation, bullying or cyberbullying.

The notification must occur with involvement and consideration of the needs and concerns of the student who was the subject to an act of harassment, intimidation, bullying or cyberbullying. The notification is not required if the executive director or designee reasonably believes notification could endanger the

student who was subjected to an act of harassment, intimidation, bullying or cyberbullying or if all of the following occur:

1. The student who was subjected to an act of harassment, intimidation, bully, or cyberbullying requests that notification not be provided to the student’s parents or guardians.
2. The executive director or designee determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying; and
3. The executive director or designee informs the student that federal law may require the student’s parents and guardians to have access to the student’s education record.

If the executive director or designee determines the notification is not in the best interest of the student, they must inform the student of that determination prior to providing notification.

When notification is provided, the notification must occur:

1. Within a reasonable period of time; or
2. Promptly, for acts that caused physical harm to the student.

**Training and Education**

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

The public charter school shall incorporate age-appropriate education about teen dating violence and domestic 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, domestic violence, and acts of cyberbullying and this policy.

**Notice**

The executive director shall be responsible for ensuring annual notice of this policy is provided in a student or staff handbook, school website, and school and public charter school office and the development of administrative regulations, including reporting and investigative procedures.

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations on school campuses in accordance with rules adopted by ODE.

END OF POLICY

**Legal Reference(s):**

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).190

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).197

[ORS 166](http://policy.osba.org/orsredir.asp?ors=ors-166).065

[ORS 166](http://policy.osba.org/orsredir.asp?ors=ors-166).155 - 166.165

[ORS 174](http://policy.osba.org/orsredir.asp?ors=ors-174).100

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).072

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).240

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).351 - 339.366

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0045

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0046

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0055

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2310

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2370

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

House Bill 2631 (2021).

House Bill 3041 (2021).

**Cross Reference(s):**

ACB - Every Student Belongs

GBN/JBA - Sexual Harassment

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements

GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements

JBA/GBN - Sexual Harassment

JFCM - Threats of Violence

JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements

JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements

**Molalla River Academy**

Code: JFCF-AR

Revised/Reviewed: 3/03/22

**Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, or**

**Teen Dating Violence Reporting Procedures – Student**

The executive director has responsibility for investigations concerning acts of 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 report presented.

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

Step 1 Any reports or information on acts of hazing, harassment, intimidation or bullying, menacing, acts of cyberbullying, or incidents of teen dating violence (e.g., complaints, rumors) shall be presented to the executive director. Reports against the assistant executive director shall be filed with the executive director. Reports against the executive 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 executive director shall promptly investigate. Parents will be notified of the nature of any report involving their student. The executive director will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The public charter school official(s) conducting the investigation shall notify the person making the report within 10 working days of receipt of the information or report, 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 person making the report is not satisfied with the decision at Step 2, they may submit a written appeal to 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 person making the report shall be given an opportunity to present the report. The Board shall provide a written decision to the person making the report within 10 working days following completion of the hearing.

Reports against the executive director may start at step 3 and should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Direct complaints of discriminatory harassment 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 Second Ave., Room 3310, Seattle, WA 98174-1099.

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

**Molalla River Academy**

Code: JFCG/JFCH/JFCI

Adopted: 3/03/22

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

Student possession, use, distribution or sale of tobacco products, inhalant delivery systems, alcohol or unlawful drugs, including drug paraphernalia or any substance purported to be an unlawful drug, on or near any public charter school grounds, including parking lots, 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. 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.

For the purpose of this policy, “tobacco products” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

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

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

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

Any person under age 21 possessing a tobacco product or inhalant delivery system on public charter school property, in a school facility or while attending a school-sponsored activity is in violation of state law and is subject to a court-imposed fine.

Any person who distributes, sells or allows to be sold, tobacco products or any substance sold for the purpose of being smoked, vaporized or aerosolized, in any form, a tobacco-burning or inhalant delivery

system device, to a person under 21 years of age is in violation of state law and is subject to a court-imposed fine.

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

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

END OF POLICY

**Legal Reference(s):**

[ORS 153](http://policy.osba.org/orsredir.asp?ors=ors-153).018

[ORS 161](http://policy.osba.org/orsredir.asp?ors=ors-161).605

[ORS 161](http://policy.osba.org/orsredir.asp?ors=ors-161).625

[ORS 163](http://policy.osba.org/orsredir.asp?ors=ors-163).575

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).067

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).222

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).227

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(a)(w)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).240

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).883

[ORS 431A](http://policy.osba.org/orsredir.asp?ors=ors-431a).175

[ORS 431A](http://policy.osba.org/orsredir.asp?ors=ors-431a).178

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).835 to -433.990

[ORS Chapter 475](http://policy.osba.org/orsredir.asp?ors=ors-chapter-475)

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0050 to -0075

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0110

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2045

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0230(9)(s)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0330(1)(m)-(o)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0430(12)-(14)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0531(11)-(13)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0630

[OAR 584-020](http://policy.osba.org/orsredir.asp?ors=oar-584-020)-0040

SB 754 (2017)

Controlled Substances Act, 21 U.S.C. § 812 (2012); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2017).

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

**Molalla River Academy**

Code: JFCJ

Adopted: 3/03/22

**Weapons in School\*\***

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

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.

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 muffler or silencer or any destructive device;
4. A “destructive device” includes but is not limited to 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 community members.

Replicas of weapons, fireworks and pocket knives are also prohibited by Board policy. Exceptions to the public charter school’s replicas prohibition may be granted only with prior public charter school administrator 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 school employee who has reasonable cause to believe a student or other person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device as defined by this policy, shall immediately report such violation to the executive director or designee or law enforcement. Any school employee who has reasonable cause to believe that a person, while in a school, is or has been in possession of a firearm or destructive device more than 120

days previously, may report to law enforcement. Employees who report directly to law enforcement shall also immediately inform the administrator.

The administrator shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations for firearms or destructive devices 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 administrator.

Students determined to have brought, possessed, concealed or used a firearm, as defined in policy, in violation of this policy or state law shall be expelled from school for a period of not less than one year. All other violations of the policy will result in discipline and may include expulsion and/or referral to law enforcement, as appropriate. The executive director may, on a case-by-case basis, modify this expulsion requirement. The executive director will notify the superintendent of a student’s resident district of such expulsion from the public charter school. 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 - Discipline of Students with Disabilities, and accompanying administrative regulation.

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

END OF POLICY

**Legal Reference(s):**

[ORS 161](http://policy.osba.org/orsredir.asp?ors=ors-161).015

[ORS 166](http://policy.osba.org/orsredir.asp?ors=ors-166).210 - 166.370

[ORS 166](http://policy.osba.org/orsredir.asp?ors=ors-166).382

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).115

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).240

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).315

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0050 – 021-0075

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-053-0010(5)

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-053-0230(9)(k)

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-053-0330(1)(r)

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-053-0430(17)

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-053-0531(16)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2018).

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2018).

Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2018).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101, 7111-7121 (2018).

Oregon Senate Bill 554 (2021).

**Cross Reference(s):**

JFCM - Threats of Violence

JG - Student Discipline

JGDA - Discipline of Students with Disabilities

**Molalla River Academy**

Code: JFCM

Adopted: 3/03/22

**Threats of Violence\*\***

The 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 any 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 administrator regarding any information or knowledge relevant to conduct prohibited by this policy. Parents and others will be encouraged to report such information to the public charter school. Staff shall immediately notify the executive director of any threat, threatening behavior or act of violence the staff member 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.

The executive director shall notify the parent or guardian of any student in violation of this policy and the disciplinary action imposed. 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 Board policy.

The public charter school shall enforce this policy consistently, fairly and without bias against any student, including a student from a protected class as defined in Oregon Revised Statute 659.850.

The executive 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 the executive director, 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[[164]](#footnote-163).

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 or sponsoring district.

The executive director shall attempt to notify:

1. The parent or guardian of a student, when the student’s name appears on a targeted list at school 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 at school;
2. Any school employee whose name appears on a targeted list at school threatening violence or harm to the public charter school employee.

The executive director shall attempt to notify the above persons by telephone or in person promptly and within 12 hours of discovery of a targeted list or learning of a threat. Regardless, the executive director shall issue a written follow-up notification within 24 hours of discovery of a targeted list or learning of a threat.

The executive 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, the executive director or designee 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 non-licensed staff due to special referral or participating in staffing, programming or case review of a specifically named student.

The public charter school or person participating in good faith in making the notification required by ORS 339.327 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the notification.

END OF POLICY

**Legal Reference(s):**

[ORS 161](http://policy.osba.org/orsredir.asp?ors=ors-161).015

[ORS 166](http://policy.osba.org/orsredir.asp?ors=ors-166).210 - 166.370

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).115

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).240

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).327

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0050 - 021-0075

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0010(5)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0230(9)(k)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0330(1)(r)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0430(17)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0531(16)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0630

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2018).

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2018).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).

**Cross Reference(s):**

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying,

Teen Dating Violence, or Domestic Violence – Student

JFCJ - Weapons in School

**Molalla River Academy**

Code: JFG

Adopted: 3/03/22

**Student Searches\*\***

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

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

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

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

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

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

Students may be searched by law enforcement officials on public charter school property or when the student is under the jurisdiction of the public charter school. Law enforcement searches ordinarily shall be based upon a warrant. School officials will attempt to notify the student’s parent(s) in advance and will be present for all such searches, whenever possible.

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

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0050 to -0075

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

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

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

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

**Cross Reference(s):**

KN - Relations with Law Enforcement Agencies

**Molalla River Academy**

Code: JFG-AR

Revised/Reviewed: 3/03/22

**Student Searches\*\***

1. Definitions
   1. “Reasonable suspicion” is based upon specific and articulated facts to believe that the student personally poses or is in possession of some item that poses a risk of immediate and serious harm to the student, school officials and/or others at the school. The official’s knowledge may be based upon relevant past experience of the official, observation by the official and/or credible information from another person.
      1. “Past experience” may provide the school official with information relevant to the violation as well as information which enables the official to evaluate the credibility of information from another person.
      2. “Credible information from another person” may include information which the school official reasonably believes to be true provided by another school employee, a student, a law enforcement or other government official or some other person.
   2. “Reasonable in scope” means that the manner and extent of the search are reasonably related to the objectives of the search, the unique features of the official’s responsibilities, and limited to the particular student or students most likely to be involved in the infraction and the area(s) which could contain the item(s) sought, and not excessively intrusive in light of the student’s age, sex, maturity and the nature of the infraction.
2. Routine Inspection of Public Charter School Property Assigned to Students
   1. Lockers, desks and other storage areas provided by the school and assigned to a particular student(s) are the property of the public charter school, remain in the possession of the public charter school and are under the control of the executive director. Students have no expectation of privacy regarding these items/areas.
   2. Students may use public charter school-owned storage areas for the limited purpose of temporarily keeping items needed for attendance and participation in school instructional and activity programs only. No other purpose is permitted.
   3. Students shall be provided notification that public charter school-owned storage areas assigned to students are subject to routine inspection without prior notice for the following reasons:
      1. Ensure that no item which is prohibited on public charter school premises is present;
      2. Ensure maintenance of proper sanitation;
      3. Ensure mechanical condition and safety;
      4. Reclaim overdue library books, texts or other instructional materials, property or equipment belonging to the public charter school.
3. Voluntary Consent

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

1. Search Procedures
   1. With the requisite justification, a school official may search an individual student, a public charter school-owned storage area assigned to a student or the personal property of a student. Personal property of a student includes, but is not limited to, wallets, purses, lunch boxes/sacks, book bag, backpack or other containers used to carry belongings.
   2. All searches of a student or a student’s personal property shall be based on the required reasonable suspicion/risk of immediate and serious harm and shall be reasonable in scope. A “strip search,” requiring a student to remove clothing down to the student’s underwear or including underwear is prohibited by the public charter school.
   3. Searches will generally be conducted by the executive director or by other school personnel only as authorized by the executive director. In certain circumstances the executive director may be assisted by a law enforcement official(s).
   4. The student will generally be permitted to be present during a search of a public charter school-owned storage area assigned to the student or during a search of the student’s personal property. The student’s presence is not required, however.
   5. Search of a student’s clothing will be limited to the student’s “outer clothing” only. “Outer clothing” means the student’s coat, jacket or other such outerwear garments worn by a student. A search of the clothing may include the search of a container inside the clothing, provided that the container is of a size and shape to hold the object of the search.
   6. Searches of a student’s outer clothing will be conducted by a school official of the same sex as the student.
   7. Where the object of the search may be felt by a “pat down” of clothing or personal property, the school official may first pat the clothing or property in an attempt to locate the object before searching inside the clothing or property.
   8. Searches will be conducted in privacy, out of the view of other students, staff and others and in the presence of an adult witness of the same sex as the student.
   9. Any item removed from the student as a result of the above procedures which is not evidence of a violation of a law, Board policy, administrative regulation or school rule may be returned to the student, as appropriate.
2. Other Searches[[165]](#footnote-164)
   1. Metal detectors, including walk-through and hand-held devices, may be used when the executive director determines that there is a need for such detectors based upon reasonable information of a history of:
      1. Weapons or dangerous objects found at school, on public charter school property, at a school function or in the vicinity of the school; or
      2. Incidents of violence involving weapons at a school, on public charter school property, at a school function or in the vicinity of the school.

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

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

After such need has been determined, drug-detection dogs may be used to sniff out contraband in public charter school-owned storage areas.

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

1. Discipline
   1. Possession or use of unauthorized, illegal, unhealthy or unsafe materials will result in the following:
      1. Seizure of the material:
         1. Property, the possession of which is a violation of law, Board policy, administrative regulation or school rule will be returned to the parent or, if also a violation of law, turned over to law enforcement officials or destroyed by the public charter school as deemed appropriate by the executive director;
         2. Stolen property will be returned to its rightful owner;
         3. Unclaimed property may be disposed of in accordance with Board policy DN - Disposal of Public Charter School Property.
      2. Discipline up to and including expulsion and notification given to law enforcement officials as appropriate or as otherwise required by law or Board policy.
2. Documentation
   1. Administrators shall document all searches.
   2. Documentation shall consist of the following:
      1. Name, age and sex of student;
      2. Date, time and location of search;
      3. Justification for search and nature of the reasonable suspicion/risk of immediate and serious harm;
      4. Description of the object(s) of the search;
      5. Type/Scope of search (areas/items searched);
      6. Results of search, prohibited material(s) found, disposition of the material(s) seized and discipline imposed;
      7. Name of the witness to the search;
      8. Name of the school official conducting the search;
      9. Contacts with law enforcement and name/position of the contact(s).
   3. Documentation will be maintained as a part of the student’s education records and retained in accordance with applicable Oregon Administrative Rules governing records’ retention.
3. Notice

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

1. Cooperation with Law Enforcement Officials
   1. Administrators will meet with law enforcement officials annually to review:
      1. Official contact protocols;
      2. Applicable Board policies and administrative regulations;
      3. Circumstances in which the public charter school will generally be requesting local law enforcement involvement in student searches and suspected crimes;
      4. Handling searches and evidence when involving law enforcement officials.

**Student Search Form**

1. Name, age and sex of student:
2. Date, time and location of search:
3. Basis for search and nature of reasonable suspicion. What factors caused you to have a reasonable suspicion that the search of this student, their person or property or property assigned by the school for student use, would turn up evidence of some item that posed a risk of immediate and serious harm to the student, school officials and/or others at the school? Describe.
4. Describe areas and items searched:
5. What did the search yield? Were any prohibited items/materials seized? Were seized items/materials turned over to police? Parents? Other? Why or why not? Explain and include name(s)/position(s) of law enforcement contacts.
6. Was discipline imposed? Why or why not?
7. Name and title/position of the witness to the search:

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

Signature of Witness Date Signature of School Official Date

Conducting Search

**Molalla River Academy**

Code: JG

Adopted: 3/3/22

**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.

Students are subject to discipline for conduct while at school-sponsored events, while at other schools in the public charter school and while off campus, whenever such conduct causes a substantial and material disruption of the educational environment or the invasion of rights of others.

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 Board seeks to ensure a school climate which is appropriate for learning and which assures the safety and welfare of personnel and students. The executive director will develop procedures whereby those students who disrupt the educational setting or who endanger the safety of others will be subject to disciplinary sanctions that are age appropriate, and to the extent practicable, use approaches that are shown through research to be effective to correct behavioral problems, while supporting a students’ attendance to school and classes. Examples include, but are not limited to, reprimands, conferences, detention and denial of participation in cocurricular and extracurricular activities.

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, except that expulsion may not be used to address truancy; or c) when required by law. The public charter school shall consider the age of the student and the past pattern of the student’s behavior prior to imposing the suspension or expulsion. 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.

The use of out-of-school suspension or expulsion for discipline of a student in the fifth grade or below, is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;

2. When a school administrator determines, based on the administrator’s observation or upon a report from an employee, the student’s conduct poses a threat to the health or safety of students or employees; or

3. When the suspension or expulsion is required by law.

When an out-of-school suspension is imposed on a student in the fifth grade or lower, the public charter school shall take steps to prevent the recurrence of the behavior that led to the out-of-school suspension, and return the student to a classroom setting to minimize the disruption of the student’s academic instruction.

Special education student shall be disciplined in accordance with federal law and board policy JGDA - Discipline of Students with Disabilities and accompanying administrative regulation.

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. 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

ORS 339.115

ORS 339.240 to -339.280 ORS 659.850

OAR 581-021-0045

OAR 581-021-0050 to -0075

Tinker v. Des Moines Sch. Dist., 393 U.S. 503 (1969).

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).

**Molalla River Academy**

Code: JGA

Adopted: 3/03/22

**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 their 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 reasonable physical force upon a student when and to the extent the application of physical force is consistent with ORS 339.285-339.303. Physical force shall not be used to discipline or punish a student.

A staff member found in violation of this policy may be subject to discipline up to and including dismissal. A volunteer found in violation of this policy by administration may be subject to sanctions and/or prohibited from volunteer service at the public charter school.

The executive director shall inform all staff members and volunteers of this policy.

END OF POLICY

**Legal Reference(s):**

[ORS 161](http://policy.osba.org/orsredir.asp?ors=ors-161).205

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(q)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).240

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0050 - 0075

[OAR 584-020](http://policy.osba.org/orsredir.asp?ors=oar-584-020)-0040

**Cross Reference(s):**

JGAB - Use of Restraint or Seclusion

**Molalla River Academy**

Code: JGAB

Adopted: 3/03/22

**Use of Restraint or Seclusion\*\***

The Board is dedicated to the development and application of best practices within the public charter schools educational/behavioral programs. The Board establishes this policy and its administrative regulation to define the circumstances that must exist and the requirements that must be met prior to, during, and after the use of restraint or seclusion as an intervention with public charter school students.

The use of the following types of restraint on a student in the public charter school is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object[[166]](#footnote-165), including a wall or the floor, to impede a student’s movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student’s mouth, neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student’s mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student’s neck, throat, genitals or other intimate parts.
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the public charter school.

Restraint may be imposed on a student in the public charter school only under the following circumstances:

1. The student’s behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the public charter school only under the following circumstances:

1. The student’s behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, administrator, it will be used only for as long as the student’s behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

**Definitions**

1. “Restraint” means the restriction of a student’s actions or movements by holding the student or using pressure or other means.

“Restraint” does not include:

* 1. Holding a student’s hand or arm to escort the student safely and without the use of force from one area to another;
  2. Assisting the student to complete a task if the student does not resist the physical contact; or
  3. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
     1. Break up a physical fight;
     2. Interrupt a student’s impulsive behavior that threatens the student’s immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
     3. Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

1. “Seclusion” means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

“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 if the student is in a setting from which the student is not physically prevented from leaving, or a student being left alone in a room with a closed door

for a brief period of time if the student is left alone for a purpose that is unrelated to the student’s behavior.

1. “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.
2. “Substantial physical or bodily injury” means any impairment of the physical condition of a person that requires some form of medical treatment.
3. “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:

* 1. A protective or stabilizing device ordered by a licensed physician; or
  2. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

1. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice for standard treatment of the student’s medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.
2. “Prone restraint” means a restraint in which a student is held face down on the floor.
3. “Supine restraint” means a restraint in which a student is held face up on the floor.

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 Oregon Administrative Rule (OAR) 581-021-0568.

The public charter school shall utilize the Non-Violent Crisis Intervention training program of restraint or seclusion for use by the public charter school staff. As required by state regulation, the selected program shall be one approved by the Oregon Department of Education (ODE) and include, but not limited to, positive behavior support, conflict 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 restraint and seclusion.

An annual review of the use of restraint and seclusion during the preceding school year shall be completed and submitted to ODE to ensure compliance with public charter school policies and procedures.

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

1. The total number of incidents involving restraint;
2. The total number of incidents involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in 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 staff as a result of the use of restraint or seclusion;
7. The total number of students placed in restraint 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 restraint and seclusion for each student;
8. The total number of restraint or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics[[167]](#footnote-166) of all students upon whom restraint 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 annual report shall be made available to the public at the public charter school’s main office and on the public charter school website, to the Board, and to the school’s sponsor.

At least once each school year the parents and guardians of students of the district shall be notified about how to access the report.

The public charter school shall investigate all complaints regarding the use of restraint or seclusion practices according to the procedures outlined in Board policy KL - Public Complaints and KL-AR - Public Complaint Procedure. The complaint procedure is available at the school’s administrative office and is available on the home page of the school’s website.

The executive 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 restraint or seclusion by public charter school staff.

END OF POLICY

**Legal Reference(s):**

[ORS 161](http://policy.osba.org/orsredir.asp?ors=ors-161).205

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).285

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).288

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).291

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).294

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).297

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).300

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).303

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0061

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0550

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0553

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0556

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0563

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0566

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0568

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0569

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0570

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2267

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2370

**Cross Reference(s):**

JGA - Corporal Punishment

JGDA - Discipline of Students with Disabilities

**Molalla River Academy**

Code: JGAB**-**AR

Revised/Reviewed: 3/03/22

**Use of Restraint or Seclusion**

**Procedure**

1. If restraint or seclusion continues for more than 30 minutes, school staff will attempt to immediately notify parents or guardians verbally or electronically.
2. Following an incident involving the use of restraint or seclusion, school. Staff will provide parents or guardians of the student the following:
   1. Verbal or electronic notice of the incident by the end of the school day when the incident occurred.
   2. Written documentation of the incident within 24 hours that provides:
      1. A description of the restraint or seclusion including:
         1. The date of the restraint or seclusion;
         2. The times the restraint or seclusion began and ended; and
         3. The location of the incident.
      2. A description of the student’s activity that prompted the use of restraint or seclusion;
      3. The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted;
      4. The names of staff of the public charter school who administered the restraint or seclusion;
      5. A description of the training status of the staff of the public charter school who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian; and
      6. 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 restraint or seclusion was administered by a person without training, the executive director will ensure written notice is issued to the parent or guardian of the student that includes the lack of training, and the reason why a person without training administered the restraint or seclusion.
4. The executive director will be notified as soon as practicable whenever restraint or seclusion has been used.
5. If 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 restraint or seclusion continues for more than 30 minutes, every 15 minutes after the first 30 minutes, the executive director for the public charter school must provide written authorization for the continuation of the restraint or seclusion, including providing documentation for the reason the physical restraint or seclusion must be

continued. Whenever restraint or seclusion extends beyond 30 minutes, staff of the public charter school will immediately attempt to verbally or electronically notify a parent or guardian.

1. A Restraint and/or Seclusion Incident Report form must be completed and copies provided to those attending the debriefing meeting for review and comment. The completed Restraint and/or Seclusion Incident Report Form shall include the following:
   1. Name of the student;
   2. Name of staff member(s) administering the restraint or seclusion;
   3. Date of the restraint or seclusion and the time the restraint or seclusion began and ended;
   4. Location of the restraint or seclusion;
   5. A description of the restraint or seclusion;
   6. A description of the student’s activity immediately preceding the behavior that prompted the use of restraint or seclusion;
   7. A description of the behavior that prompted the use of restraint or seclusion;
   8. Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted;
   9. Information documenting parent or guardian contact and notification.
2. 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 the executive director. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.
3. If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.
4. If serious bodily injury or death of a staff member occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the superintendent within 24 hours of the incident, or to the union representative for the affected person, if applicable.
5. The district will maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

**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 staff, including a behavioral specialist and a public charter school representative who is familiar with the physical restraint and seclusion training practices adopted by the public charter school.
3. Prior to the implementation of any behavioral support plan that includes 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 restraint or seclusion the parents may be provided a copy of the public charter school Use of Restraint or Seclusion policy at the time the plan is developed.
5. If a student is involved in five incidents in a school year, the team, including a parent or guardian of the student, will form for the purpose of reviewing and revising the student’s behavior plan.

**Use of restraint or seclusion in an emergency by school administrator or staff to maintain order or prevent a student from harming themself, other students or school staff.**

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

**Molalla River Academy**

Code: JGD

Adopted: 3/03/22

**Suspension\*\***

The Board authorizes the administration to suspend a student for one or more of the following reasons:

1. Willful disobedience and 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 damages or injures public charter school property.

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

A student whose conduct or condition is seriously detrimental to the school’s best interests may be suspended. The public charter school shall consider the age of the student and the student’s past pattern of behavior prior to imposing the suspension. The school will ensure careful consideration of the rights and needs of the individual concerned, as well as the best interests of other students and the school program as a whole.

The use of out-of-school suspension for discipline of a student in the fifth grade or below, is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator’s observation or upon a report from an employee, the student’s conduct poses a threat to the health or safety of students or employees; or
3. When the suspension is required by law.

When an out-of-school suspension is imposed on a student in the fifth grade or lower, the school shall take steps to prevent the recurrence of the behavior that led to the out-of-school suspension, and return the student to a classroom setting to minimize the disruption of the student’s academic instruction.

Each notice of suspension will include a statement of the reasons for suspension, the length of the suspension and a plan for readmission and may include a plan for the student to make up school work. No suspension shall extend beyond 10 school days. The 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.

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

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

A decision by the executive director to suspend a student may be appealed to the Board through the school’s complaint procedures (see Board policy KL - Public Complaints and its accompanying administrative regulations).

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(j)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).240

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0050

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0055

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0060

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0065

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0075

**Cross Reference(s):**

JG - Student Discipline

**Molalla River Academy**

Code: JGDA

Adopted: 3/03/22

**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 individualized education program (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[[168]](#footnote-167) 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

**Legal Reference(s):**

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).565

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).575

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).187

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(a)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).240

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).252

[ORS 343](http://policy.osba.org/orsredir.asp?ors=ors-343).177

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2400

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2405

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2410

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2415

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2420

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2425

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2430

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2435

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2440

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415(k) (2012).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.507, § 300.508(a)-(c); §§ 300.510-300.514; §§ 300.530-300.536 (2017).

**Cross Reference(s):**

JFCJ - Weapons in School

JGAB - Use of Restraint or Seclusion

**Molalla River Academy**

Code: JGDA-AR

Adopted: 3/03/22

**Discipline of Students with Disabilities\*\***

1. Definition
   1. The district[[169]](#footnote-168) 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:
         1. Removals by other agencies;
         2. Removals for public health reasons (e.g., head lice, immunizations, communicable diseases, etc.);
         3. 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
         4. 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.
   2. “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.
   3. “Suspension” means any disciplinary removal other than expulsion.
2. Disciplinary Change of Placement
   1. 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.
   2. 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
   1. 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.
   2. 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
   1. 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.
   2. 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:
         1. Suspensions of a half day or less will be counted as a half day; and
         2. Suspensions of more than a half day will be counted as a whole day;
         3. 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
   1. 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.
   2. 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.
   3. 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.
   4. 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
   1. 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.
   2. 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. “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 the Oregon Department of Education (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.
   3. 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.
   4. 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
   1. 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.
   2. 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:

* 1. Is determined by the student’s IEP; and
  2. 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.

1. 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.

1. Conduct and Outcome of a Manifestation Determination
   1. 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.
   2. 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.
   3. 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.
   4. 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.
   5. 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.
  1. 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:

* + 1. Notifies the parent(s) of the decision to remove the student on the date that decision is made and gives the parents a Procedural Safeguards Notice;
    2. Gives the parent(s) prior written notice of any proposed change in placement;
    3. Provides services to the student in an interim alternative educational setting that is determined by the IEP team; and
    4. Provides, as appropriate, a functional behavioral assessment, develops appropriate behavioral interventions to address the behavior and implements those interventions.

1. Protections for Students not yet Eligible for Special Education
   1. 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.
   2. 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.
   3. 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.
   4. 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.

* + 1. The district will apply the Individuals with Disabilities Education Act (IDEA) discipline protections beginning on the date of the eligibility determination.

**Molalla River Academy**

Code: JGE

Adopted: 3/03/22

**Expulsion\*\***

The executive 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.

A student may be expelled for any of the following circumstances:

1. When a student’s conduct poses a threat to the health or safety of students or employees;
2. When other strategies to change the student’s behavior have been ineffective, except that expulsion may not be used to address truancy; or
3. When required by law.

The use of expulsion for discipline of a student in fifth grade or lower is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator’s observations or upon a report from an employee, the student’s conduct poses a threat to the health or safety of students or employees; or
3. When the expulsion is required by law.

The age of the student and the past pattern of behavior will be considered prior to imposing the expulsion.

No student may be expelled without a hearing unless the students’ parents, or the student if 18 years of age, waives 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[[170]](#footnote-169) or by certified mail[[171]](#footnote-170) at least five days prior to the scheduled hearing. Notice shall include:
   1. The specific charge or charges;
   2. The conduct constituting the alleged violation, including the nature of the evidence of the violation and reason for expulsion;
   3. A recommendation for expulsion;
   4. The student’s right to a hearing:
   5. When and where the hearing will take place; and
   6. The right to representation.
2. The Board may expel, or delegate the authority to decide on an expulsion to the executive director, who may also act as the hearings officer. The Board may contract with an individual who is not employed by the public charter school to serve as the hearings officer. The hearings officer designated by the Board will conduct the hearing and will not be associated with the initial actions of the public charter school administrators;
3. Expulsion hearings will be conducted in private and will not be open to the general public, unless the student or the students’ parents request otherwise;
4. 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;
5. The student shall be permitted to have a representation present at the hearing to advise and to present arguments. The representation may be an attorney and/or parent. The public charter school’s attorney may be present;
6. The student shall be afforded the right to present their version of the events underlying the expulsion recommendation and to introduce evidence by testimony, writings or other exhibits;
7. The student shall be permitted to be present and to hear the evidence presented by the public charter school;
8. The hearings officer or the student may record the hearing;
9. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer’s control of the hearing;
10. If the Board is conducting the expulsion hearing, the Board may designate the Board chair or a third party as the hearings officer. The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student education records. The hearings officer will provide to the Board, findings as to the facts, the recommended decision and whether or not the student has committed the alleged conduct. This will include the hearings officer’s recommended decision on disciplinary action, if any, including the duration of any expulsion. This material will be available in identical form to the Board, the student if age 18 or over and the students’ parents at the same time. Following the review by the Board of the hearings officer’s recommendation, the Board will make the final decision regarding the expulsion;
11. If the Board has delegated authority to the executive director or designee to act as the hearings officer, the executive director may designate themself, or a third party, as the hearings officer. The hearings officer’s decision is final. However, a decision of the hearings officer may be appealed by the parent or the student if age 18 or over to the Board for review. If the decision of the hearings officer is appealed to the Board for review, the findings of fact and the hearings officer’s decision will be submitted to the Board, and will be available in identical form to the Board, the student if age 18 or over 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;
12. A 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 held by the hearings officer, the following will **not** be made public:
    1. The name of the minor student;
    2. The issues involved, including a student’s confidential record;
    3. The discussion;
    4. The vote of Board members, which may be taken in executive session when considering an expulsion.

Prior to expulsion, the public charter school must notify the resident district of the student about the impending expulsion.

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).660

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).061

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).615 - 336.665

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(j)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).115

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).240

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0050

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0070

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0071

[House Bill 2514 (2019)](https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2514)

**Cross Reference(s):**

JG - Student Discipline

**Molalla River Academy**

Code: JHC

Adopted: 3/03/22

**Student Health Services and Requirements\*\***

The public charter school’s sponsoring district shall provide:

1. One registered nurse or school nurse for every 125 medically fragile students;
2. One registered nurse or school nurse or one licensed practical nurse under the supervision of a registered nurse or school nurse for each nursing-dependent student; and
3. One registered nurse or school nurse for every 225 medically complex students.

The public charter school may use the most cost effective means available to meet the above requirements.

The public charter school shall maintain a prevention-oriented health services program which provides:

1. Pertinent health information on the students, as required by Oregon statutes or rules.
2. Health appraisal to include screening for possible vision or hearing problems.
3. Health counseling for students and parents, when appropriate.
4. Health care and first-aid assistance that are appropriately supervised and isolates the sick or injured child from the student body.
5. Control and prevention of communicable diseases as required by Oregon Health Authority, Public Health Division, and the county health department.
6. Assistance for students in taking medication according to established public charter school procedures.
7. Services for students who are medically fragile or have special health care needs.
8. Integration of school health services with school health education programs.

The Board directs its health staff to coordinate with health personnel from other public agencies in matters pertaining to health instruction or the general health of students and employees.

In accordance with the requirements of federal law, the public charter school recognizes its responsibility to notify parents in advance of any nonemergency, invasive physical examination[[172]](#footnote-171) or screening that is

required as condition of attendance; administered and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students.

Notification will be provided at least annually at the beginning of the school year or when enrolling students for the first time in school and will include the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

Procedures shall be developed and implemented to carry out this policy. All public charter school employees will be apprised of their responsibilities in this area. Parents shall have the opportunity to request their students be exempt from participation in vision or hearing screening. The public charter school will abide by those requests.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2050

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2220

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2225

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Every Student Succeeds Act, 20 U.S.C. § 7928 (2012).

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2012).

**Molalla River Academy**

Code: JHCA

Adopted: 3/03/22

**Immunization, Vision Screening/Eye Examination and Dental Screening\*\***

**Immunization**

Proof of immunization must be presented at the time of initial enrollment[[173]](#footnote-172) in school or within 30 days of transfer to the public charter school in accordance with Oregon law. Proof consists of a signed Certificate of Immunization Status form documenting either evidence of immunization, a religious, philosophical beliefs and/or medical exemption or immunity documentation.[[174]](#footnote-173)

**Vision Screening or Eye Examination**

The parent or guardian of a student who is 7 years of age or younger and is beginning an education program with the public charter school for the first time shall, within 120 days of beginning the education program, submit a certification that the student has received:

1. A vision screening or eye examination; and
2. Any further examination, treatments or assistance necessary.

The certification is not required if the parent or guardian provides a statement to the public charter school that:

1. The student submitted a certification to a prior education provider; or
2. The vision screening or eye examination is contrary to the religious beliefs of the student or the parent or guardian of the student.

**Dental Screening**

The public charter school shall file in the student’s dental health record any dental screening certifications and any results of a dental screening known by the public charter school. The public charter school will provide to the parent or guardian of each student, standardized information developed by the Oregon Health Authority’s dental director regarding dental screenings, further examinations or necessary treatments and preventative care including fluoride varnish, sealants and daily brushing and flossing.

The parent or guardian of a student who is 7 years of age or younger, and is beginning an education program with the public charter school for the first time, shall submit a certification within 120 days of beginning the education program that the student has received a dental screening within the previous 12 months.

The certification is not required if the parent or guardian provides a statement to the public charter school that:

1. The student submitted a certification to a prior education provider;
2. The dental screening is contrary to the religious beliefs of the student or the parent or guardian of the student; or
3. The dental screening is a burden for the student or the parent or guardian of the student in the following ways:
   1. The cost of obtaining the dental screening is too high;
   2. The student does not have access to an approved screener;
   3. The student was unable to obtain an appointment with an approved screener.

The certification may be provided by a licensed dentist, a dental hygienist or a health care practitioner as defined by state law. The certification must include the:

1. Student’s name;
2. Date of screening; and
3. Name of entity conducting the dental screening.

The public charter school shall submit a report to the Oregon Department of Education that identifies the percentage of students who failed to submit the certification for the previous year, no later than October 1 of each year.

If the public charter school is causing the dental screening to be conducted, the public charter school will follow the notice requirements in accordance with law.

END OF POLICY

**Legal Reference(s):**

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).580

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).211

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).213

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).214

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).479

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[OAR 333-019](http://policy.osba.org/orsredir.asp?ors=oar-333-019)-0010

[OAR 333-050](http://policy.osba.org/orsredir.asp?ors=oar-333-050)-0010 - 0120

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0017

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0031

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0041

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2220

McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 (2018).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2020).

Oregon School Activities Association, *OSAA Handbook*.

**Molalla River Academy**

Code: JHCC

Adopted: 3/03/22

**Communicable Diseases - Students**

The public charter school shall provide reasonable protection against the risk of exposure to communicable disease for students. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA). Services will be provided to students as required by law.

A student will not attend school while in a communicable stage of a restrictable disease or when the executive director has reason to suspect that any susceptible student has or has been exposed to any disease for which the student is required to be excluded in accordance with law and per administrative regulation JHCC-AR - Communicable Diseases - Student. If the disease is a reportable disease, the administrator will report the occurrence to the local health department. The administrator will also take whatever reasonable steps it considers necessary to organize and operate its programs in a way which both furthers the education and protects the health of students and others.

The public charter school may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting.

The public charter school will include, as a part of its emergency plan, a description of the actions to be taken by school personnel in the case of a declared public health emergency or other catastrophe that disrupts public charter school operations.

The public charter school shall protect the confidentiality of each student’s health condition and record to the extent possible and consistent with federal and state law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

The administrator will develop administrative regulations necessary to implement this policy.

END OF POLICY

**Legal Reference(s):**

[ORS 431](http://policy.osba.org/orsredir.asp?ors=ors-431).150 - 431.157

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).001 - 433.526

[OAR 333](http://policy.osba.org/orsredir.asp?ors=oar-333)-018

[OAR 333](http://policy.osba.org/orsredir.asp?ors=oar-333)-019-0010

[OAR 333](http://policy.osba.org/orsredir.asp?ors=oar-333)-019-0014

[OAR 437](http://policy.osba.org/orsredir.asp?ors=oar-437)-002-0360

[OAR 437](http://policy.osba.org/orsredir.asp?ors=oar-437)-002-0377

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2220

Oregon Department of Education and Oregon Health Authority, *Communicable Disease Guidance* (2020).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).

**Cross Reference(s):**

GBEB - Communicable Diseases - Staff

**Molalla River Academy**

Code: JHCC-AR

Adopted: 3/03/22

**Communicable Diseases – Student\*\***

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease* *Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule and include but are not limited to COVID-19[[175]](#footnote-174), chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by the local public health administrator, after determining that it poses danger to public’s health.
2. “Susceptible” for a child means lacking documentation immunization required under OAR 333-050-0050.
3. “Reportable disease” means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

**Restrictable Diseases**

1. A student of the public charter school will not attend school or a facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19[[176]](#footnote-175), unless authorized to do so under Oregon law.
2. The executive director shall exclude a susceptible child from school if the administrator has reason to suspect that the student has been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public’s health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.
3. The executive director shall exclude a student if the administrator has been notified by a local public health administrator or local public health officer that the student has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.
4. A student will be excluded in such instances until such time as the student or the parent or guardian of the student presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the student does not have or is not a carrier of any restrictable diseases.
5. The public charter school may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting. A student may remain in an alternative educational setting until such time as a certificate from a physician, physician assistant, nurse practitioner, local health department nurse or school nurse states that the student does not have or is not a carrier of any restrictable disease, or until such time as a local public health administrator states that the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. A restrictable disease exclusion for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may be removed by a school nurse or health care provider.
6. More stringent exclusion standards for students from school may be adopted by the local health department.
7. The public charter school’s emergency preparedness plan shall address the school’s plan with respect to a declared public health emergency at the local or state level.

**Reportable Diseases Notification**

1. All employees shall comply with all reporting measures adopted by the public charter school and with all rules set forth by the Oregon Health Authority, Public Health Division and the local health department.
2. The executive director may seek confirmation and assistance from the local health officer to determine the appropriate response when the administrator is notified that a student or an employee has been exposed to a restrictable disease that is also a reportable disease.
3. The executive director shall determine other persons who may be informed of a student’s communicable disease when a legitimate educational interest exists or for health and safety reasons in accordance with law.

**Education**

1. The administrator or designee shall seek information from the school’s nurse or other appropriate health officials regarding the health needs/hazards of all students and the impact on the educational needs of a student diagnosed with a restrictable disease or exposed to a restrictable disease.
2. The administrator or designee shall, utilizing information obtained above, determine an educational program for such a student and implement the program in an appropriate (i.e., regular or alternative) setting.
3. The administrator or designee shall review the appropriateness of the educational program and the educational setting of each individual student diagnosed with a restrictable disease.

**Equipment and Training**

1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the school’s nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All public charter school personnel will be instructed annually to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA).

**Molalla River Academy**

Code: JHCCA

Adopted: 3/03/22

**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[[177]](#footnote-176).

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

**Legal Reference(s):**

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).565

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).575

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).061

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).187

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(z)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).030

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).250

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).008

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).045

[OAR 333-018](http://policy.osba.org/orsredir.asp?ors=oar-333-018)-0000

[OAR 333-018](http://policy.osba.org/orsredir.asp?ors=oar-333-018)-0005

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2220

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2260

Oregon School Health Services Manual: Communicable Diseases Appendix IV. Guidelines for Schools with Children who have Bloodborne Pathogens, Oregon Department of Education 2012.

**Molalla River Academy**

Code: JHCCF

Adopted: 3/03/22

**Pediculosis (Head Lice)**

(Excludes a student infested with either live lice or nits; does not allow attendance

of a student with live lice or nits.)

The Board recognizes that public charter school programs should be conducted in a manner that protects and enhances student and employee health and is consistent with recognized health practices. Consequently, in order to prevent the spread of pediculosis (head lice) in the school setting, school staff shall institute guidelines for classrooms that will assist in the prevention of and the spread of head lice. A student with a suspected case of lice shall be referred to the school nurse or an administrator for an assessment. A student found with live lice or nits (lice eggs) will be excluded from school attendance. The school recognizes that the Oregon Health Authority, Public Health Division, no longer requires exclusion of a student for the presence of nits and allows the discretion of the public charter school. A student excluded from school will be readmitted after an assessment by designated personnel to confirm no live lice or nits are present, and may be subject to periodic checks.

Successful treatment of head lice requires a coordinated approach and may involve the use of anti-louse products, combing and implementation of preventative measures recommended by health authorities. Treatment information will be provided by the public charter school to parents of students found to have contracted head lice. It is the public charter school’s intent to encourage elimination of the current infestation and to prevent a repeat episode.

The executive director will develop administrative regulations, as necessary, to implement this policy.

END OF POLICY

**Legal Reference(s):**

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).255

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).260

[OAR 333-019](http://policy.osba.org/orsredir.asp?ors=oar-333-019)-0010

[OAR 437-002](http://policy.osba.org/orsredir.asp?ors=oar-437-002)-0360

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2220

**Molalla River Academy**

Code: JHCCF-AR

Revised/Reviewed: 3/03/22

**Pediculosis (Head Lice)**

(Exclude a student infested with either live lice or nits; does not allow attendance of a student with live lice or nits.)

A student found to have contracted head lice will be subject to the following procedures:

1. Suggested school measures for head lice control, as provided in *Communicable Disease[[178]](#footnote-177)* issued through the Oregon Department of Education;
2. Periodic head lice checks of students are not recommended; however, screening recommendations are as follows:
   1. Criteria for screening an individual for lice are:
      1. Persistent itching or scratching;
      2. Known exposure to sibling or other close contact with head lice (e.g., seat mate in classroom, locker partners, overnight sleep activities, scouts, etc.); or
      3. Self (student or parent) referral.
   2. Three nonrelated cases of head lice in a classroom within 10 consecutive school days requires that all students in the classroom be screened by the following school day;
   3. If there is infestation among three percent of the entire student population within 10 consecutive school days, there should be a screening of all students in the school within one week. Multiple cases from a single household count as one case for purposes of calculating the percent of students infested.
3. Students found to have contracted head lice will be excluded from school (Oregon Administrative Rule (OAR) 333-019-0010);
4. Treatment information, district policy requirements and readmittance provisions will be provided to the parent. A parent will be advised to:
   1. Use a lice-killing agent that a health care provider, school nurse or local health authority has recommended on all family members who have symptoms of infestation;
   2. Follow the personal and household cleaning instructions provided by the district, health care provider or local health authority, as appropriate; and
   3. Remove all nits after treatment.
5. Following treatment, the student may be readmitted to school. A parent must either accompany his/her student to school for readmittance or provide a signed statement that treatment has been initiated;
6. The student will be subject to screening by designated personnel to determine the treatment’s effectiveness. The student will be readmitted to school or denied admittance, as appropriate. The absence of live lice or nits is required for readmittance. In the event the student is not readmitted to school, parents will be notified;
7. A student who has been readmitted to school will be subject to follow-up screening by designated personnel;
8. The parent should contact his/her local health department in the event additional assistance and/or information is needed regarding the treatment of the student, other family members, close contacts and the home environment (e.g., bedding, linens, grooming equipment, etc.);
9. A student with chronic head lice may be referred for follow-up to the school’s nurse or local health department, as appropriate;
10. A parent who identifies head lice on his/her student(s) at home should complete treatment prior to the readmission of the student, as required above. A parent is also encouraged to notify the school of his/her student’s condition so that appropriate preventative measures may be implemented at school.

**Molalla River Academy**

Code: JHCD/JHCDA

Adopted: 3/03/22

**Medications\*\***

The public charter school recognizes that administering a medication to a student and/or permitting a student to administer a medication to themself, may be necessary when the failure to take such medication during school hours would prevent the student from attending school, and recognizes a need to ensure the health and well-being of a student who requires regular doses or injections of a medication as a result of experiencing a life-threatening allergic reaction or adrenal crisis[[179]](#footnote-178), or a need to manage hypoglycemia, asthma or diabetes. Accordingly, the public charter school may administer or a student may be permitted to administer to themself a prescription (injectable and noninjectable) and/or nonprescription (noninjectable) medication at school.

The public charter school shall designate personnel authorized to administer medications to students. Annual training shall be provided to designated personnel as required by law in accordance with guidelines approved by the Oregon Department of Education (ODE). When a licensed health care professional is not immediately available, trained personnel designated by the public charter school may administer to a student, epinephrine, glucagon or another medication to a student as prescribed and/or allowed by Oregon law.

A current first-aid and CPR card is required for designated personnel.

The public charter school reserves the right to reject a request for administration of medication at school, either by school personnel or student self-administration, if the medication is not necessary for the student to remain in school.

The executive director and/or designee will require that an individualized health care plan and allergy plan is developed for every student with a known life-threatening allergy or a need to manage asthma, and an individualized health care plan for every student for whom the public charter school has been given proper notice of a diagnosis of adrenal insufficiency. Such a plan will include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before-school or after-school care programs on school-owned property and in transit to or from school or a school-sponsored activity.

A student may be allowed to self-administer a medication for asthma, diabetes, hypoglycemia or severe allergies as prescribed by an Oregon licensed health care professional, upon written and signed request of the parent or guardian and subject to age-appropriate guidelines. This self-administration provision also requires a written and signed confirmation the student has been instructed by the Oregon licensed health care professional on the proper use of and responsibilities for the prescribed medication.

A request to the public charter school to administer or allow a student to self-administer prescription medication shall include a signed prescription and treatment plan from a prescriber[[180]](#footnote-179)

A request to the public charter school to administer or allow a student to self-administer nonprescription that is not approved by the Food and Drug Administration (FDA) shall include a written order from the student’s prescriber that meets the requirements of law.

A written request and permission form signed by a student’s parent or guardian, unless the student is allowed to access medical care without parental consent under state law[[181]](#footnote-180), is required and will be kept on file.

If the student is deemed to have violated Board policy or medical protocol by the public charter school, the public charter school may revoke the permission given to a student to self-administer medication.

Prescription and nonprescription medication will be handled, stored, monitored, disposed of and records maintained in accordance with established public charter school administrative regulations governing the administration of prescription or nonprescription medications to students, including procedures for the disposal of sharps and glass.

A process shall be established by which, upon parent or guardian written request, a back-up prescribed auto injectable epinephrine is kept at a reasonably, secure location in the student’s classroom as provided by state law.

A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on school premises who the person believes, in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

This policy shall not prohibit, in any way, the administration of recognized first aid to a student by public charter school employees in accordance with established state law, Board policy and administrative regulation.

A school administrator, teacher or other public charter school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration, in good faith and pursuant to state law, of prescription and/or nonprescription medication.

A school administrator, school nurse, teacher or other public charter school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of a student’s self-administration of medication, as described in Oregon Revised Statute (ORS) 339.866, if that person in good faith and pursuant to state law, assisted the student in self-administration of the medication.

A school administrator, school nurse, teacher or other public charter school employee designated by the school administration is not liable in a criminal action or for civil damages as a result of the use of medication if that person in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication, regardless of whether the student or individual has a prescription for epinephrine.

A public charter school and the members of a Board are not liable in a criminal action or for civil damages as a result of the use of medication if any person in good faith, on school premises, including at a school, on school property under the jurisdiction of the public charter school or at an activity under the jurisdiction

of the public charter school, administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication, regardless of whether the student or individual has a prescription for epinephrine.

The executive director shall develop administrative regulations as needed to meet the requirements of law and the implementation of this policy.

END OF POLICY

**Legal Reference(s):**

[ORS 109](http://policy.osba.org/orsredir.asp?ors=ors-109).610

[ORS 109](http://policy.osba.org/orsredir.asp?ors=ors-109).640

[ORS 109](http://policy.osba.org/orsredir.asp?ors=ors-109).675

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(z)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).866 - 339.871

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).800 - 433.830

[ORS 475](http://policy.osba.org/orsredir.asp?ors=ors-475).005 - 475.285

[OAR 166](http://policy.osba.org/orsredir.asp?ors=oar-166)-400-0010(17)

[OAR 166](http://policy.osba.org/orsredir.asp?ors=oar-166)-400-0060(29)

[OAR 333](http://policy.osba.org/orsredir.asp?ors=oar-333)-055-0000 - 055-0115

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0037

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2220

[OAR 851](http://policy.osba.org/orsredir.asp?ors=oar-851)-047-0030

[OAR 851](http://policy.osba.org/orsredir.asp?ors=oar-851)-047-0040

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).

Oregon Health Authority and Oregon Department of Education, *Medication Administration: A Manual for School Personnel*.

**Molalla River Academy**

Code: JHDB

Adopted: 3/03/22

**Mental Health Screening Exemptions\*\***

When a public charter school conducts a mental health screening of all students in one or more classrooms, or all students in one or more grades, the public charter school shall allow the parent, guardian or student to request that the student not participate in the mental health screening.

The public charter school shall provide written notice at least two weeks prior to the mental health screening. The notice shall be mailed to students’ last known address.

The notice shall:

1. Explain that either a student, parent or guardian has the right to request in writing that the student not participate in the mental health screening;
2. Explain that, on the day of the mental health screening the student, parent or guardian may request, orally or in writing, that the student not participate in the screening;
3. Explain who will administer the screening and who will have access to the results; and
4. Meet any other requirements established by the State Board of Education.

The results of the mental health screening shall not be included in the students’ educational records.

END OF POLICY

**Legal Reference(s):**

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).216

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0030

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0046(7)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

**Molalla River Academy**

Code: JHF

Adopted: 3/03/22

**Student Safety**

The Board directs the development and approval of a comprehensive safety program. The plan is designed to assure every student a safe, healthy environment in which to learn. The plan will comply with federal, state and local laws and regulations and with Board policy.

Local building safety and health committees will ensure that general safety regulations are reviewed with staff and students, as appropriate, to assure student safety.

Instruction in professional technical courses and other offerings such as science, family and consumer studies, art and physical education will include and emphasize accident prevention.

Safety instruction will assist students to:

1. Learn how to work, play and exercise safely, and to prevent accidents;
2. Learn proper procedures to reduce the possibility of accidents;
3. Develop habits of good cleanliness, proper storage and proper handling of materials;
4. Become familiar with personal protective equipment and the proper clothing to be worn for safety purposes;
5. Develop skills in the safe use of tools and equipment;
6. Learn how to cooperate with others in the promotion and operation of a safety program in the school;
7. Respond to emergency situations in all settings.

Safety instruction will precede the use of materials and equipment by students in applicable units of work in the courses listed above. Instructors will teach and enforce all safety rules set up for these particular courses. Rules will include, but not be limited to, wearing personal protective equipment in appropriate activities.

Students will be asked to sign off upon completion of reading safety policies and materials and upon the completion of safety instruction.

A student will report any accident sustained by themself while on public charter school property to a public charter school staff member. ALL accidents will be promptly investigated. As a result of the investigation any corrective measures needed will be acted upon.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(z)

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2220

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2225

**Cross Reference(s):**

EB - Safety Program

**Molalla River Academy**

Code: JHFE/GBNAB

Adopted: 3/03/22

**Suspected Abuse of a Child Reporting Requirements\*\***

Any public charter school employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse[[182]](#footnote-181) shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any public charter school employee who has reasonable cause to believe that **any person**[[183]](#footnote-182) with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010. If known, the report shall contain the names and addresses of the child an0d the parents of the child or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by public charter school employees, contractors[[184]](#footnote-183), agents[[185]](#footnote-184), volunteers[[186]](#footnote-185), or students is prohibited and will not be tolerated. All public charter school employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulation.

Any public charter school employee who has reasonable cause to believe that another public charter school employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another public charter school employee, contractor, agent, volunteer or student shall immediately report such to the Oregon Department of Human Services (DHS) or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator.

The public charter school will designate a licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building, to receive reports of suspected abuse of a child by public charter school employees, contractors, agents, volunteers or students.

If the executive director is the alleged abuser the report shall be submitted to the assistant executive director who shall also report to the Board chair.

The public charter school will post the names and contact information of the designees for each school building, in the respective school if applicable, designated to receive reports of suspected abuse and the procedures in JHFE/GBNAB-AR(1) – Reporting of Suspected Abuse of a Child the designee will follow upon receipt of a report, the contact information for local law enforcement and the local DHS office or its designee, and a statement that this duty to report suspected abuse is in addition to the requirements of reporting to the designated licensed administrator. This information will be posted in the respective school building.

When a designee receives a report of suspected abuse, the designee will follow procedure established by the public charter school and set forth in administrative regulation JHFE/GBNAB-AR(1) - Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, or its designee, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support a report, a public charter school employee suspected of abuse shall be placed on paid administrative leave pending an investigation and the public charter school will take necessary actions to ensure the student’s safety. When there is reasonable cause to support a report, a public charter school contractor, agent or volunteer suspected of abuse shall be removed from providing services to the public charter school and the public charter school will take necessary actions to ensure the student’s safety.

The public charter school will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse of any actions taken by the public charter school as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee’s personnel file. A substantiated report of abuse by a student shall be documented in the student’s education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report of suspected abuse of a child by a public charter school employee, contractor, agent, volunteer or student, in good faith, the student will not be disciplined by the public charter school or any public charter school employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The public charter school shall provide information and training each school year to public charter school employees on the prevention and identification of abuse, the obligations of public charter school employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The public charter school shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending public charter school-operated schools, and will be made available separately from the training provided to public charter school employees. The public charter school shall provide each school year information on the prevention and identification of abuse, the obligations of public charter school employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The public charter school shall make available each school year training that is designed to prevent abuse to students attending public charter school-operated schools.

The public charter school shall provide to a public charter school employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the public charter school, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on public charter school employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. A public charter school employee, contractor or agent will not assist another public charter school employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the public charter school employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.

Nothing in this policy prevents the public charter school from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The public charter school shall make available to students, public charter school employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the public charter school will be appropriate and only when directed by public charter school administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use public charter school e-mail, using mailing lists and/or other internet messaging approved by the public charter school to a group of students rather than individual students or as directed by public charter school administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the public charter school is prohibited.

The executive director shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).125

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).370 - 339.400

[ORS 418](http://policy.osba.org/orsredir.asp?ors=ors-418).257 - 418.259

[ORS 419B](http://policy.osba.org/orsredir.asp?ors=ors-419b).005 - 419B.050

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-022-2205

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).

Senate Bill 51 (2021).

**Cross Reference(s):**

BBF - Board Member Standards of Conduct

BBFC - Reporting of Suspected Abuse of a Child

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements

GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements

GCAB - Personal Electronic Devices and Social Media - Staff

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements

**Molalla River Academy**

Code: JHFE/GBNAB-AR(1)

Adopted: 3/03/22

**Reporting Suspected Abuse of a Child**

**Reporting**

Any public charter school employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse[[187]](#footnote-186) shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any public charter school employee who has reasonable cause to believe that **any person**[[188]](#footnote-187) with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010.

Any public charter school employee who has reasonable cause to believe that another public charter school employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another public charter school employee, contractor, agent, volunteer or student shall immediately report such to the DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator or alternate licensed administrator for their school building.

If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that 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.

If the executive director is the alleged abuser the report shall be submitted to the assistant executive director who shall also make a report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student and will include: name and position of the person making the report; name of the student; name and position of any witness; 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; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report; date and time that the report was made; and name of the school administrator 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 designee that received the report.

When the designee receives a report of suspected abuse of a child by a public charter school employee, and there is reasonable cause to support the report, the public charter school shall place the public charter school employee on paid administrative leave[[189]](#footnote-188) and take necessary actions to ensure the student’s safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the public charter school takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the public charter school determines that either 1) an employment policy was violated and the public charter school will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the public charter school against the employee.

When the designee receives a report of suspected abuse by a contractor, agent or volunteer, the public charter school may prohibit the contractor, agent or volunteer from providing services to the public charter school. If the public charter school determines there is reasonable cause to support the report of suspected abuse, the public charter school shall prohibit the contractor agent or volunteer from providing services. The public charter school may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated[[190]](#footnote-189) and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

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.

If, following the investigation, the public charter school decides to take an employment action, the public charter school will inform the public charter school employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through an appeal process administered by a neutral third party.

If the public charter school is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the substantiated report and the employment action taken by the public charter school will be placed in the records on the school employee maintained by the public charter school. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the public charter school may use the record as a basis for providing information required to be disclosed about a public charter school employee under ORS 339.378(1). The public charter school will notify the employee that information about substantiated reports may be disclosed to a potential employer.

**Definitions**

1. Oregon law recognizes these and other types of abuse:
   1. Physical;
   2. Neglect;
   3. Mental injury;
   4. Threat of harm;
   5. Sexual abuse and sexual exploitation.
2. “Child” means an unmarried person who is under 18 years of age or is under 21 years of age and residing in or receiving care or services at a child-caring agency.
3. A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.

**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.

Upon request from law enforcement or DHS the public charter school shall immediately provide requested documents or materials to the extent allowed by state and federal law.

**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 up to and including dismissal.

**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 DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. When the executive director is notified that the DHS or law enforcement would like to interview a student at school, the executive director must request that the investigating official fill out the appropriate form (See JHFE/GBNAB-AR(2) – Abuse of a Child Investigations Conducted on School Premises). The executive director or designee should not deny the interview based on the investigator’s refusal to sign the form. If the student is to be interviewed at the school, the executive director or designee shall make a private space available. The executive director or designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the executive director shall refuse access to the student.

Law enforcement officials wishing to remove a student from the premises shall present themselves at the office and contact the executive director or designee. The law enforcement official shall sign the student out in accordance with school procedures;

1. 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 or anyone else other than DHS or law enforcement agency, and any school employee necessary to enable the investigation.
2. The executive director or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
3. 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.

Nothing prevents the public charter school from conducting its own investigation, unless another agency requests to lead the investigation or requests the public charter school to suspend the investigation, or taking an employment action based on information available to the public charter school before an investigation conducted by another agency is completed. The public charter school will cooperate with agencies assigned to conduct such investigations.

**Molalla River Academy**

Code: JHFE/GBNAB-AR(2)

Revised/Reviewed: 3/03/22

**Abuse of a Child Investigations Conducted on School Premises**

The Department of Human Services (DHS) or a law enforcement agency has the authority to conduct an investigation of a report of child abuse on school premises according to Oregon Revised Statute (ORS) 419B.045. The school administrator must be notified that the investigation is to take place, unless the administrator is a subject of the investigation. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation.

After the investigator provides adequate identification, school staff shall allow access to the child and provide a private space for conducting the interview. The investigator shall be advised by a school administrator or a school staff member of a child’s relevant disabling conditions, if any, prior to any interview with the child. The school administrator or designee may, at the investigator’s discretion, be present to facilitate the investigation.

School staff may only notify DHS, the law enforcement agency or school employees that are necessary to enable the investigation. School staff may not notify any other persons, including the child’s parent(s) or guardian(s).

Investigator Name (Printed) Name of Agency

Name of Worker’s/Investigator’s Supervisor Supervisor Contact Information

Investigator Position and Badge or ID Number Student Name

School

Investigator Signature Date

* Investigator refused to sign. School staff should not deny entry based on refusal to sign.

**FOR COMPLETION BY SCHOOL STAFF**

□ Student not available for interview

□ Student refused to be interviewed

□ Administrator participated in interview

Name of Administrator Notified

Name of Office Staff Involved

Name of Participating Administrator

This form should be placed in a separate secure file and not in the student’s file.

**Molalla River Academy**

Code: JHFF/GBNAA

Adopted: 3/03/22

**Suspected Sexual Conduct with Students and Reporting Requirements**

Sexual conduct by public charter school employees, contractors[[191]](#footnote-190), agents[[192]](#footnote-191), and volunteers[[193]](#footnote-192) is prohibited and will not be tolerated. All public charter school employees, contractors, agents, and volunteers are subject to this policy. Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.

[[194]](#footnote-193)“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the public charter school or any applicable employment agreements.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the public charter school that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

The public charter school will post in the school building the names and contact information of the employees designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

Any public charter school employee who has reasonable cause to believe that a student has been subjected to sexual conduct by another public charter school employee, contractor, agent or volunteer, or that another public charter school employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the designated licensed administrator, or the alternate designated licensed administrator in the event the designated administrator is the alleged perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

A report of suspected sexual conduct about the executive director will be reported to the assistant executive director who shall also report same to the Board chair.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.

When a designated administrator receives a report of suspected sexual conduct by a public charter school employee, contractor, agent or volunteer, the administrator will follow procedures established by the public charter school and set forth in administrative regulation GBNAA/JHFF-AR - Suspected Sexual Conduct Report Procedures and Forms. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a public charter school employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the public charter school will take necessary actions to ensure the student’s safety.

When there is reasonable cause to support the report, a public charter school contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the public charter school and the public charter school will take necessary actions to ensure the student’s safety.

The public charter school will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the public charter school as a result of the report.

A public charter school employee, contractor or agent will not assist another public charter school employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the public charter school employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the public charter school from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

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 person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a public charter school employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the public charter school or any public charter school employee, contractor, agent or volunteer.

The public charter school will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the public charter school, the following:

1. A description of conduct that may constitute sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on public charter school employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All public charter school employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the public charter school will be appropriate and only when directed by public charter school administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use public charter school e-mail using mailing lists and/or other internet messaging approved by the school to a group of students rather than individual students or as directed by public charter school administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the public charter school is prohibited.

The executive director shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

**Legal Reference(s):**

[ORS 332](http://policy.osba.org/orsredir.asp?ors=ors-332).107

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).370 - 339.400

[ORS 419B](http://policy.osba.org/orsredir.asp?ors=ors-419b).005 - 419B.045

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).

House Bill 2136 (2021).

Senate Bill 51 (2021).

**Cross Reference(s):**

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements

GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements

GCAB - Personal Electronic Devices and Social Media - Staff

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student

JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements

**Molalla River Academy**

Code: JHFF/GBNAA-AR

Revised/Reviewed: 3/03/22

**Suspected Sexual Conduct Report Procedures and Forms**

The public charter school posts in each school building the names and contact information of the school employees designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee(s) will follow upon receipt of the report.

When a designated licensed administrator receives a report of suspected sexual conduct that may have been committed by a commission licensee[[195]](#footnote-194), the designee shall notify the Teacher Standards and Practices Commission (TSPC). The designee shall notify the Oregon Department of Education (ODE) if the administrator receives a report of suspected sexual conduct that may have been committed by a school employee, contractor, agent or volunteer that is not a commission licensee.

If the executive director is the alleged perpetrator the report shall be submitted to the assistant executive director, who shall also report to the Board chair.

When the designee receives a report of suspected sexual conduct by a public charter school employee, and there is reasonable cause to support the report, the public charter school shall place the public charter school employee on paid administrative leave[[196]](#footnote-195) and take necessary actions to ensure the student’s safety. The employee shall remain on leave until TSPC[[197]](#footnote-196) or ODE[[198]](#footnote-197) determines that the report is substantiated and the public charter school takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the public charter school determines either: 1) an employment policy was violated and the public charter school will take appropriate employment action against the employee; or 2) an employment policy has not be violated and an employment action against the employee is not required.

When the designee receives a report of suspected sexual conduct by a contractor, an agent or a volunteer, the public charter school may prohibit the contractor, agent or volunteer from providing services to the public charter school. If the public charter school determines there is reasonable cause to support a report of suspected sexual conduct, the public charter school shall prohibit the contractor, agent or volunteer from providing services. The public charter school may reinstate the contractor, agent or volunteer, and such

reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE, as appropriate, that the report is unsubstantiated.

Upon request from ODE or TSPC the public charter school will provide requested documents or materials to the extent allowed by state and federal law.

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is a public charter school employee represented by a contract, the investigation must meet any negotiated standards of such employment contract or agreement.

Nothing prevents the public charter school from conducting its own investigation, unless another agency requests to lead the investigation or requests the public charter school to suspend their investigation, or taking an employment action based on information available to the public charter school before an investigation conducted by another agency is completed. The public charter school will cooperate with agencies assigned to conduct such investigations.

A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.

If, following the investigation, the public charter school decides to take an employment action, the public charter school will inform the public charter school employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through an appeal process administered by a neutral third party.

If the public charter school is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, the public charter school shall create a record of the findings of the substantiated report and the employment action taken by the public charter school will be placed in the records on the school employee maintained by the public charter school. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the public charter school may use the record as a basis for providing information required to be disclosed about a public charter school employee under ORS 339.378(1). The public charter school will notify the employee that information about substantiated reports may be disclosed to a potential employer.

**Training**

The public charter school shall provide information and training each school year to public charter school employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of public charter school employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The public charter school shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending public charter school-operated schools, and will be made available separately from the training provided to public charter school employees.

The public charter school shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of public charter school employees under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The public charter school shall make available each school year training that is designed to prevent sexual conduct to students attending public charter school-operated schools.

**Molalla River Academy**

**Suspected Sexual Conduct Report Form**

Name of person making report:

Position of person making report:

Name of person suspected of sexual conduct:

Date and place of incident or incidents:

Description of suspected sexual conduct:

Name of witnesses (if any):

Evidence of suspected sexual conduct, e.g., letters, photos, etc. (attach evidence if possible):

Any other information:

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

Signature: Date:

**Molalla River Academy**

**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:

**Molalla River Academy**

Code: JHHB

Adopted: 3/03/22

**Trauma Informed Schools**

A trauma informed approach to education is intended to improve attendance, graduation rates and reduce incidents of behaviors that can inhibit learning.

The public charter school recognizes that the developmental impact of childhood and historical trauma increases student risk for, but not limited to, academic failure, severe attendance problems, severe school behavior concerns and possible chronic health concerns; which negatively impacts student engagement and learning.

The public charter school is committed to providing trauma informed schools and culturally responsive programs where all students feel included, welcomed, valued and supported; and where addressing trauma’s impact on learning school wide is integral to the public charter school’s educational mission.

The public charter school will strive to create physically and emotionally safe, and culturally responsive environments for all staff, students and families through effective professional development in school procedures and school practices and instruction in the following areas: 1) understanding the widespread impact of trauma and the role of schools in promoting resiliency; 2) recognizing the signs and symptoms of trauma in students, families and staff; and 3) integrating knowledge about trauma and social emotional learning in children.

The executive director or designee is directed to implement a trauma informed approach to education through the application of culturally responsive trauma informed practices in the public charter school and programs.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

**Molalla River Academy**

Code: JN

Adopted: 3/03/22

**Student Fees, Fines and Charges\*\***

The Board recognizes the need for student fees to fund certain school activities which are not sufficiently funded by the public charter school.

No student will be denied an education because of an inability to pay supplementary fees.

No student, however, is exempt from charges for lost or damaged books, locks, materials, supplies

and equipment.

All student fees and charges, both optional and required, will be listed and described annually in the *Student/Parent Handbook*, or in some other written form, and distributed to each student. Students will be advised of the due dates for such fees and charges as well as of possible penalties for failure to pay them.

In accordance with the law and Board policy, certain restrictions and/or penalties may be imposed until payment of the debt. 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 administrator.

Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in Oregon Revised Statute (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.

Prior to collection of debts, the administrator will ensure that notice has been provided as required by ORS 339.270.

END OF POLICY

**Legal Reference(s):**

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).565

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).575

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).115

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).155

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).270

**Cross Reference(s):**

ECAB - Vandalism, Malicious Mischief or Theft

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

**Molalla River Academy**

Code: JO/IGBAB

Adopted: 3/03/22

**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 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.

Records requested by another district or public charter school to determine a student’s appropriate placement may not be withheld.

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 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 may recover a fee for providing a copy of the record.

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.

The public charter school’s notice includes criteria for determining legitimate educational interest and the criteria for determining which school officials within the agency 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 an emancipated student and the general public.

END OF POLICY

**Legal Reference(s):**

[ORS 30](http://policy.osba.org/orsredir.asp?ors=ors-030).864

[ORS 107](http://policy.osba.org/orsredir.asp?ors=ors-107).154

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).565

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).575

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(a)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).270

[ORS 343](http://policy.osba.org/orsredir.asp?ors=ors-343).177(3)

[OAR 166-400](http://policy.osba.org/orsredir.asp?ors=oar-166-400)-0010 to 166-400-0065

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0220 to -0430

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2260

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2270

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2017).

**Cross Reference(s):**

ECAB - Vandalism, Malicious Mischief or Theft

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

JOA - Directory Information

JOB - Personally Identifiable Information

**Molalla River Academy**

Code: JO/IGBAB-AR

Adopted: 3/03/22

**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:

* 1. 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;
  2. Records of the law enforcement unit of the public charter school subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
  3. 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 their status as a student, are education records and are not accepted under this section;
  4. 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 their 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.
  5. Records that only contain information relating to activities in which an individual engaged after they are no longer a student at the public charter school;
  6. 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:

* 1. Name and address of educational agency or institution;
  2. Full legal name of the student;
  3. Student birth date and place of birth;
  4. Name of parents;
  5. Date of entry in school;
  6. Name of school previously attended;
  7. Courses of study and marks received;
  8. Data documenting a student’s progress toward achievement of state standards and must include a student’s Oregon State Assessment results;
  9. Credits earned;
  10. Attendance;
  11. Date of withdrawal from school; and
  12. 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.

1. Confidentiality of Student Records
   1. The public charter school shall keep confidential any record maintained on a student in accordance with OAR 581-021-0220 through 581-021-0430.
   2. The public charter school shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
   3. The public charter school shall identify one official to assume responsibility for ensuring the confidentiality of any personally identifiable information.
   4. All persons collecting or using personally identifiable information shall receive training or instruction on state policies and procedures.
2. 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 an eligible student has a right to:

* 1. Inspect and review the student’s education records;
  2. 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;
  3. 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;
  4. 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
  5. 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 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.

1. 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:

* 1. Within a reasonable period of time and without unnecessary delay;
  2. 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;
  3. 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 an eligible student shall comply with the following procedure to inspect and review a student’s education record:

* 1. Provide a written, dated request to inspect a student’s education record; and
  2. 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 their expense, have those records reviewed by a physician or other appropriate professional of their 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) 192.345(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[[199]](#footnote-198). The executive director or designee shall be the person responsible for maintaining and releasing the education records.

1. 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:

* 1. 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 district1 official employed by the public charter school or district as the executive director, supervisor, instructor or staff support member; a person serving on a public charter school or district board; a person or company with whom the public charter school or district 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 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).

The public charter school shall maintain, for public inspection, a listing of the names and positions of individuals within the public charter school or district1 who have access to personally identifiable information with respect to students with disabilities.

* 1. The disclosure is to officials of another school within the district1;
  2. The disclosure is to authorized representatives 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.
  3. 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.

* 1. 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.
  2. 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.
  1. The disclosure is to accrediting organizations to carry out their accrediting functions;
  2. 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;
  3. 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;
  4. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
  5. 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.

* 1. The disclosure is information the district has designated as “directory information” (See Board policy JOA – Directory Information);
  2. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;
  3. 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;
  4. 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;

* 1. The disclosure is 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.

1. 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 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:

* 1. The party or parties who have requested or received personally identifiable information from the education records; and
  2. 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:

* 1. The parent(s) or an eligible student;
  2. The school official or designee who are responsible for the custody of the records;
  3. Those parties authorized by state or federal law for purposes of auditing the record keeping procedures of the public charter school.

1. 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, they may ask the executive director or designee where the record is maintained to amend the record.

The executive 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 executive 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 their right to appeal the decision by requesting a hearing.

1. Hearing Rights of Parents or Eligible Students

If the executive 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:

* 1. The executive director or designee;
  2. A member chosen by the eligible student or student’s parent(s); and
  3. A disinterested, qualified third party appointed by the executive director.

The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of their 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 a 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 they disagree with the decision of the panel. If a statement is placed in an education record, the public charter school will ensure that the statement:

* 1. Is maintained as part of the student’s records as long as the record or a contested portion is maintained by the public charter school or the district[[200]](#footnote-199); and
  2. 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:

* 1. Amend the record accordingly; and
  2. Inform the eligible student or the student’s parent(s) of the amendment in writing.

1. 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.

1. 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:

* 1. The student’s permanent records, for one year;
  2. 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, 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.

**Molalla River Academy**

Code: JOA

Adopted: 3/03/22

**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 telephone listing;
4. Student’s photograph;
5. Grade level.

**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 administrator 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. The public charter school shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

END OF POLICY

**Legal Reference(s):**

[ORS 30](http://policy.osba.org/orsredir.asp?ors=ors--30).864

[ORS 107](http://policy.osba.org/orsredir.asp?ors=ors-107).154

[ORS 180](http://policy.osba.org/orsredir.asp?ors=ors-180).805

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).565

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).575

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).187

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(a)

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0220 to -0430

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2260

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Every Student Succeeds Act of 2015, 20 U.S.C. § 7908 (2012).

**Cross Reference(s):**

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

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

**Molalla River Academy**

Code: JOB

Adopted: 3/03/22

**Personally Identifiable Information\*\***

Personally identifiable information includes, but is not limited to:

1. Student’s name, if excluded from directory information, as requested by the student/parent in writing;
2. Name of the student’s parent(s) or other family member;
3. Address of the student or student’s family, if excluded from directory information, as requested by the student/parent in writing;
4. Personal identifier such as the student’s social security number or student ID number or biometric record;
5. A list of personal characteristics that would make the student’s identity easily traceable such as student’s date of birth, place of birth and mother’s maiden name;
6. Other information alone or in combination that would make the student’s identity easily traceable;
7. Other information requested by a person who the 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 or the student 18 years of age or older or an emancipated student.

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[[201]](#footnote-200) who have legitimate educational interests;
2. To personnel of an education service district or state regional program where the student is enrolled or is receiving services;
3. To personnel of another school, another district, state regional program or institution of postsecondary education where the student seeks or intends to enroll;
4. To authorized representatives 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;
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 dependency matters;
16. To a caseworker or other representative of a state or local child welfare agency or tribal organization that are legally responsible for the care and protection of the student including educational stability of children in foster care.

END OF POLICY

**Legal Reference(s):**

[ORS 30](http://policy.osba.org/orsredir.asp?ors=ors-030).864

[ORS 107](http://policy.osba.org/orsredir.asp?ors=ors-107).154

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).565

[ORS 326](http://policy.osba.org/orsredir.asp?ors=ors-326).575

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).187

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(a)

[OAR 581-015](http://policy.osba.org/orsredir.asp?ors=oar-581-015)-2000

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0220 to -0430

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2260

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017). 2012Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017).

Uninterrupted Scholars Act (USA), 2013 (P.L. 112-278, Jan. 14, 2013), 20 U.S.C. § 1221 (2012).

**Cross Reference(s):**

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

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

**Molalla River Academy**

Code: JOC

Adopted: 3/03/22

**Legal Names of Students**

The public charter school will consider requests to use names other than the student’s legal name. Such requests, if honored, may be entered into the computer system so long as a cross-referencing system is established to locate the student’s records with the student’s legal name.

Legal last names will be changed by the public charter school only upon receipt of a copy of a court order.

END OF POLICY

**Legal Reference(s):**

[OAR 581-022](http://policy.osba.org/orsredir.asp?ors=oar-581-022)-2270

**Molalla River Academy**

Code: KAB

Adopted: 3/03/22

**Parental Rights\*\***

The 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 law, 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”[[202]](#footnote-201);
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”[[203]](#footnote-202). 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 administrator 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.

The public charter school administrator 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

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(z)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2015).

Every Student Succeeds Act of 2015, 20 U.S.C. § 7928 (2012).

Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2012).

**Molalla River Academy**

Code: KAB-AR

Revised/Reviewed: 3/03/22

**Parental Rights**

The following definitions and procedures will be used to implement parental rights:

**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 (IDEA);
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, 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 their 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 administrator 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 administrator 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.

**Molalla River Academy**

Code: KBA

Adopted: 3/03/22

**Public Records Request\*\***

A request to inspect or receive a copy of a public record shall be in writing and will be presented to the school office.

A “public record” includes any writing that contains information relating to the conduct of the public’s business, prepared, owned, used or retained by the public charter school regardless of physical form or characteristics, unless otherwise exempted by law.[[204]](#footnote-203) “Writing” means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, files, facsimiles or electronic records. Public record does not include any writing that does not relate to the conduct of the public’s business and that is contained on a privately-owned computer.

Board meetings and records will be matters of public information subject to such restrictions as are set by federal or state law or by pertinent court rulings.

The Board’s minutes, its written policies and its financial records will be available through the school office. All such information will be made available to individuals with disabilities in any accessible 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 executive director is authorized to use all means available to keep parents and others in the particular school’s community informed about the school’s program and activities.

No records will be released for inspection by the public or any unauthorized persons – either by the executive 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.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the public charter school for the actual cost of making public records available pursuant to law. The public charter school will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

School employee and volunteer personal addresses, personal electronic mail addresses, social security numbers, dates of birth and personal telephone or cellular numbers, and other information listed in Oregon Revised Statute (ORS) 192.355 as exempt, contained in personnel records maintained by the school are exempt from public disclosure pursuant to Oregon Revised Statute (ORS) 192.345 and ORS 192.355(3). School electronic mail addresses assigned by the school to school employees are not exempt. 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.

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.

The public charter school shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

The public charter school shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166-005-0010 and Chapter 166, Division 400 and ORS Chapter 192.

END OF POLICY

**Legal Reference(s):**

[ORS 180](http://policy.osba.org/orsredir.asp?ors=ors-180).805

[ORS Chapter 192](http://policy.osba.org/orsredir.asp?ors=ors-192)

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[OAR 137](http://policy.osba.org/orsredir.asp?ors=oar-137)-004-0800(1)

[OAR 166](http://policy.osba.org/orsredir.asp?ors=oar-166)-400

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

Oregon Dep’t of Justice, Oregon Attorney General’s, *Public Records and Meetings Manual* (2014).

Americans with Disabilities Act Amendments Act of 2008 , 42 U.S.C. §§ 12101-12133 (2018).

**Molalla River Academy**

Code: KBA-AR

Revised/Reviewed: 3/03/22

**Public Records Request**

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the public charter school:

1. A public records request shall be submitted in writing through the school office at 16897 S. Callahan Road, Molalla, Oregon, 97038.
2. Upon receipt of a written request, the public charter school shall respond within five business days[[205]](#footnote-204) acknowledging receipt of the request or completing[[206]](#footnote-205) the public charter school’s response to the request. If the public charter school provides an acknowledgment of the request, it must:
   1. Confirm that the public charter school is the custodian of the requested record;
   2. Inform the requester that the public charter school is not the custodian of the requested record; or
   3. Notify the requester that the public charter school is uncertain whether the public charter school is the custodian of the requested record.
3. If the public charter school is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the public charter school is required to acknowledge receipt of the request as described above, the public charter school shall:
   1. Complete its response to the public records request in accordance with ORS 192.329(2). If the public charter school determines that a record is exempt from public disclosure, the public charter school will include a statement to that effect, and that the requester may appeal the decision pursuant to state law; or
   2. Provide a written statement that the public charter school is still processing the request and a reasonable estimated date by which the public charter school expects to complete its response based on the information currently available.
4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the public charter school if compliance would be impracticable because:
   1. The staff or volunteers[[207]](#footnote-206) necessary to complete a response to the public records request are unavailable;
   2. Compliance would demonstrably impede the public charter school’s ability to perform other necessary services; or
   3. Of the volume of the public records request being simultaneously processed by the public charter school.

The public charter school shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

1. 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 as permitted by law. If the public charter school requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days to a good faith request from the school for information or clarification, the school shall close the request.
2. If a copy of a public record is requested, the public charter school will provide a single copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be provided in the form the 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 Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of public charter school records and at the same time to the public charter school’s attorney.
3. Information will be made available to individuals with disabilities in an accessible format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.
4. Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be reimbursed to the public charter school. Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate of $.25 per page. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

If the public charter school has informed the requester of a permitted fee, the obligation of the public charter school to complete its response to the request is suspended until the fee has been received by the public charter school. If the requester fails to pay the fee within 60 days of the date they were informed of the fee or fails to pay the fee within 60 days of the date on which the public charter school informed them of the denial of the fee waiver, the public charter school shall close the request.

1. The public charter school reserves the right to restrict the inspection of some public records to the public charter school’s facilities.

**Molalla River Academy**

Code: KGB

Adopted: 3/03/22

**Public Conduct on Public Charter School Property**

No person on public charter school property or any public charter school grounds, including parking lots, shall:

1. Haze, harass, intimidate, bully or menace another, or engage in behavior deemed by the public charter school to endanger the safety of students, employees, self or others;
2. Use or engage in abusive verbal expression or physical conduct that interferes with the performance of students, event officials or sponsors of approved activities;
3. Damage the property of another or of the public charter school;
4. Initiate or circulate a report, one knows to be false, concerning an alleged hazardous substance, impending fire, explosion, catastrophe or other emergency that will take place in or upon a school;
5. Construct or transport to public charter school property for temporary or permanent purposes any structure not approved for construction on, or transportation to, public charter school property;
6. Uproot, pick, cut, mutilate or remove plant life or other natural resources of any kind. Roots, tubers, flowers and stems may not be collected. Soil or rock may not be dug up or removed. The school garden is an exception to this rule during the school year and summer months when school is not in session;
7. Dump or spill any sewage, waste water or other fluids from any vehicle;
8. Use public charter school waste containers or other district property for the deposit of waste or refuse generated from household, commercial, industrial, construction or other uses not related to approved use on public charter school property;
9. Block, obstruct or interfere with vehicular or pedestrian traffic on any public charter school road, parking area, walkway, pathway or common area. Occupying or impeding access to any public charter school facility in a manner that interferes with the approved use of such facility by public charter school employees, students or other authorized users is prohibited;
10. Fly, launch or otherwise operate motorized model airplanes/helicopters/rockets or other similar propulsion devices unless approved in advance by the public charter school;
11. Operate an unmanned aircraft system (UAS) or drone unless granted permission from the administrator or designee;
12. Distribute or post circulars, notices, leaflets, pamphlets or other written or printed material in violation of Board policy KJA - Materials Distribution;
13. Operate a concession, solicit, sell or offer for sale any goods, wares, merchandise, food, beverages or services without prior public charter school approval;
14. Operate a motor vehicle in an area other than on roads and in parking areas constructed or designated for motor vehicle use. Vehicles shall be driven in a safe manner, at posted speeds and will only be appropriately parked in areas designated by the public charter school. Motorized vehicles such as minibikes, scooters, go-carts, all-terrain-vehicles, snowmobiles and other similar devices are prohibited on public charter school grounds. Bicyclists must comply with motor vehicle and bike regulatory signs;
15. Use a skateboard, rollerblades, scooter or similar device;
16. Bring an animal into a public charter school building without prior administrator approval and, where appropriate, only when proof of current rabies vaccination has been provided. Dogs are permitted on public charter school grounds only when confined to a vehicle or on a leash and when kept under the physical control of the individual at all times. The owner is responsible for the animal’s behavior and containment and for the removal of the animal’s wastes while on public charter school property. All other animals on public charter school property are permitted with prior public charter school approval only. Animals serving the disabled are permitted as provided by law;
17. Camp overnight, loiter or otherwise be present on public charter school property after the conclusion of approved activities or as otherwise posted or authorized by the public charter school. Individuals are prohibited from entering any portion of public charter school’s premises at any other time for purposes other than those which are lawful and authorized by public charter school officials;
18. Use or operate any noise-producing machine, vehicle, device or instrument in a manner that, in the judgment of public charter school officials, is disturbing to, or interferes with, the orderly conduct of public charter school programs or approved activities;
19. Impede, delay or otherwise interfere with the orderly conduct of the public charter school’s educational program or any other activity taking place on public charter school property which has been authorized by the public charter school;
20. Bring, possess or use a weapon as prohibited by state and federal law;
21. Possess, consume, sell, give or deliver unlawful drugs and/or alcoholic beverages. Possess, sell, give or deliver drug paraphernalia;
22. Use, distribute or sell tobacco products or inhalant delivery systems, in any form;
23. Wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other item that is evidence of membership or affiliation with any gang. Use speech or commit any act or omission in furtherance of the interests of any gang or gang activity. A “gang” is defined as a group that identifies itself through the use of a name, unique appearance or language including hand signs, claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity;
24. Violate posted regulatory signs;
25. Willfully violate other public charter school policies, administrative regulations or school rules designed to maintain public order on school property.

Persons having no legitimate purpose or business on public charter school property, or those violating or threatening to violate the above rules, may be ejected from the premises, excluded from public charter school-approved activities temporarily or permanently and/or referred to law enforcement officials.

The executive director will ensure that appropriate notice of these rules is provided.

END OF POLICY

**Legal Reference(s):**

[ORS 161](http://policy.osba.org/orsredir.asp?ors=ors-161).015

[ORS 164](http://policy.osba.org/orsredir.asp?ors=ors-164).245

[ORS 164](http://policy.osba.org/orsredir.asp?ors=ors-164).255

[ORS 166](http://policy.osba.org/orsredir.asp?ors=ors-166).025

[ORS 166](http://policy.osba.org/orsredir.asp?ors=ors-166).155 to -166.165

[ORS 166](http://policy.osba.org/orsredir.asp?ors=ors-166).210 to -166.370

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).109

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).883

[ORS 431](http://policy.osba.org/orsredir.asp?ors=ors-431).840

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).835 to -433.990

[ORS 806](http://policy.osba.org/orsredir.asp?ors=ors-806).060 to -806.080

[OAR 333-015](http://policy.osba.org/orsredir.asp?ors=oar-333-015)-0025 to -0090

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0110

[OAR 584-020](http://policy.osba.org/orsredir.asp?ors=oar-584-020)-0040(4)(e),(g)

Gun-Free Schools Act, 20 U.S.C. 7961 (2012).

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2012).

**Cross Reference(s):**

ECAB - Vandalism, Malicious Mischief or Theft

**Molalla River Academy**

Code: KGC/GBK

Adopted: 3/03/22

**Prohibited Use, Distribution or Sale of Tobacco Products**

**and Inhalant Delivery Systems\*\***

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

For the purpose of this policy “tobacco products” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff, in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

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

Violation of this policy by staff may result in discipline up to and including dismissal.

Violation of this policy by the public 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.

This policy shall be enforced at all times.

END OF POLICY

**Legal Reference(s):**

[ORS 336](http://policy.osba.org/orsredir.asp?ors=ors-336).227

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(1)(x)

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).883

[ORS 431A](http://policy.osba.org/orsredir.asp?ors=ors-431A).175

[ORS 433](http://policy.osba.org/orsredir.asp?ors=ors-433).835 to -433.990

[OAR 581-021](http://policy.osba.org/orsredir.asp?ors=oar-581-021)-0110

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0230(9)(s)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0330(1)(m)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0430(12)

[OAR 581-053](http://policy.osba.org/orsredir.asp?ors=oar-581-053)-0531(11)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

**Cross Reference(s):**

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

**Molalla River Academy**

Code: KGF/EDC

Adopted: 3/03/22

**Authorized Use of 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 executive director and authorized use shall be consistent with Oregon Revised Statute (ORS) Chapter 244.

END OF POLICY

**Legal Reference(s):**

[ORS Chapter 244](http://policy.osba.org/orsredir.asp?ors=ors-244)

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[OAR 584-020](http://policy.osba.org/orsredir.asp?ors=oar-584-020)-0040

Oregon Government Ethics Commission, Oregon Government Ethics Law, A Guide for Public Officials (2010).

**Cross Reference(s):**

EDC/KGF - Authorized Use of School Equipment and Materials

**Molalla River Academy**

Code: KJA

Adopted: 3/03/22

**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 administration. Materials and the proposed method of distribution shall be subject to review.

Materials shall be reviewed based on legitimate educational concerns. Such concerns include: the material is or may be defamatory; the material is inappropriate based on the age, grade level and/or maturity of the reading audience; the material is poorly written, inadequately researched, biased or prejudiced; the material contains information that is not factual; the material is not free of racial, ethnic, religious or sexual bias; or the material contains advertising that violates public school laws, rules and/or policy, is deemed inappropriate for students or that the public might reasonably perceive to bear the sanction or approval of the public charter school administrator.

The administrator shall determine distribution procedures. Such procedures may include:

1. Distribution to each student before or after class if materials are not directly related to the instructional goals;
2. Notification to students or parents of the availability of the materials in a specified location if this procedure is deemed less disruptive to the educational process; or
3. Solicitation of school-related groups such as parent organizations to distribute materials.

The practice of distributing pamphlets, booklets, flyers, brochures and other similar materials shall be periodically reviewed to ensure that the mere volume of requests has not become an interruption to the educational process.

END OF POLICY

**Legal Reference(s):**

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

46 Or. Atty. Gen. Op. 239 (1989).

**Molalla River Academy**

Code: KK

Adopted: 3/03/22

**Visitors to School Facilities\*\***

The Board believes that a better understanding of its educational program and improved relationship between the schools and community can be developed through school and classroom visitations of parents and patrons. Such visitations should be encouraged, arranged and permitted within considerations of the requirements of the educational program, the orderly administration of the school, school grounds and classrooms and the safety and welfare of students and staff.

The public charter school is responsible for the schools’ supervision and administration. To ensure that school work is not disrupted and that visitors are properly directed to the areas in which they are interested, all visitors to public charter school facilities must report to the school office upon entering school property.

1. Teachers’ work must not be impeded by interruption of visitors or by unreasonable demands on their time.
2. Visitors must not contact individual students except as authorized by the executive director and/or teachers.
3. When in the interest of orderly educational programs and the safety of students it is determined by the executive director that some specific visitor or visitors shall not be permitted to enter the school facilities, the executive director shall do the following:
   1. Advise the person that they refused admission and give that person an explanation for the refusal;
   2. If possible and appropriate, attempt to arrange alternative visitation of school facilities.
4. A visitor with permission to visit may be directed to leave when any teacher or administrator reasonably believes the visitor has engaged in physical violence, loud or disruptive speech or behavior, violation of a posted school rule or illegal conduct.

A visitor may also be directed to leave by the staff member administratively in charge of the building if the visit would be disruptive to the educational program or school order; would impede the work of teachers through visitor’s interruptions or unreasonable demands on teacher time; or if the visitors’ course of conduct would conflict with Board policies, school regulations or would violate the law.

1. A direction to leave revokes any permission to visit or license to enter. Whenever possible, the direction should be given in writing or followed by written notice which identifies the issuer and gives a brief statement of the reason for the direction to leave. The school office should be notified of any direction to leave and given a copy of any written notice.
2. Those who insist on remaining despite an executive director’s request to leave and who thereby create a disruption of the carrying on of school business are subject to citizen’s arrest and a report made to law enforcement. Failure to leave will render a visitor liable for criminal trespass pursuant to Oregon law.
3. Any visitor who believes that they have had a visit unfairly limited, may request a meeting with the administrator. The executive director shall meet with the visitor, investigate the dispute and render a written decision. The executive director’s decision may be appealed to the Board.
4. Any visitor who commits a violent act or threatens to commit a violent act toward a student or staff member while on school grounds, at a school-sponsored event or on the way to and from school, shall be reported immediately to the executive director. The executive director shall immediately contact any student or staff member involved.

END OF POLICY

**Legal Reference(s):**

[ORS 164](http://policy.osba.org/orsredir.asp?ors=ors-164).245

[ORS 164](http://policy.osba.org/orsredir.asp?ors=ors-164).255

[ORS 166](http://policy.osba.org/orsredir.asp?ors=ors-166).025

[ORS 166](http://policy.osba.org/orsredir.asp?ors=ors-166).155 to -166.165

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

**Cross Reference(s):**

KGB - Public Conduct on Public Charter School Property

**Molalla River Academy**

Code: KL

Adopted: 3/03/22

**Public Complaints\*\***

An individual or organization may petition the public charter school with complaints that the public charter school is violating or has violated provisions of restraint or seclusion in Oregon Revised Statute (ORS) 339.285 - 339.303 or Oregon Administrative Rule (OAR) 581-021-0550 - 581-021-0570 (Restraint or Seclusion).

A parent or guardian of a student attending the public charter school, a staff member , a student or patron of the public charter school may petition the public charter school with a complaint in the following areas:

1. Retaliation against a student who in good faith reported information that the student believes is evidence of a violation of state and federal law, rule or regulation;
2. Instruction;
3. Discipline;
4. Learning materials;
5. Compliance with applicable Division 22 Standards and academic content standards.

A complainant will be referred through the proper administrative process for resolution of a complaint before investigation or action by the Board. An exception will be a complaint against the executive director, a Board member, or one that involves Board actions or Board operations.

The complaint procedure KL-AR - Public Complaint Procedure is available at the public charter school’s administrative office and on the home page of the public charter school’s website.

Complaints against the assistant executive director should be referred to the executive director (See KL-AR – Public Complaint Procedure).

Complaints against the executive director and should be referred to the Board chair on behalf of the Board (See KL-AR – Public Complaint Procedure).

The executive director will administer the complaint process, as appropriate.

If the complaint alleges discrimination pursuant to ORS 659.850, OAR 581-021-0045, OAR 581-021-0046, or OAR 581-021-0047 (Discrimination) the complainant is encouraged to utilize the complaint process in AC-AR - Discrimination Complaint Procedure.

END OF POLICY

**Legal Reference(s):**

[ORS 192](http://policy.osba.org/orsredir.asp?ors=ors-192).660

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115

[ORS 339](http://policy.osba.org/orsredir.asp?ors=ors-339).303

[ORS 659](http://policy.osba.org/orsredir.asp?ors=ors-659).852

[OAR 581](http://policy.osba.org/orsredir.asp?ors=oar-581)-021-0570

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

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

**Cross Reference(s):**

AC - Nondiscrimination

ACB - Every Student Belongs

**Molalla River Academy**

Code: KL-AR

Revised/Reviewed: 3/03/22

**Public Complaint Procedure**

A parent or guardian of a student attending the public charter school, a staff member, a student or patron of the public charter school who wishes to express a concern should discuss the matter with the public charter school employee involved. If the concern remains unresolved, a complaint may be filed.

An individual or organization that alleges the public charter school is violating or has violated provisions of restraint or seclusion in Oregon Revised Statute (ORS) 339.285 - 339.303 or Oregon Administrative Rule (OAR) 581-021-0550 - 581-021-0570 (Restraint or Seclusion) is encouraged to initiate Step One of this complaint procedure and file a complaint with the administrator.

**The Executive Director: Step One:**

A complainant may file a complaint with the executive director clearly stating the nature of the complaint and a suggested remedy. A form is available, but is not required.

The executive director shall investigate the complaint, confer with the complainant and the parties involved, prepare a report of the findings and conclusion, and provide a report in writing or in an electronic form to the complainant within five working days of receipt of the complaint.

**The Board: Step Two**

If the complainant is dissatisfied with the executive director’s findings and conclusion, the complainant may appeal the decision to the Board within five working days of receiving the executive director’s decision. The Board will review the findings and conclusion of the executive director in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the executive director’s decision as the Board’s decision. All parties involved may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues.

The complainant shall be informed of the Board’s decision within 20 days from the hearing of the appeal to the Board. The Board’s decision will address each allegation in the complaint and contain reasons for the Board’s decision. The Board’s decision will be final.

If the Board chooses not to hear the complaint the executive director’s decision is final.

The complaint procedure will not be longer than 90 days from the filing date of the original complaint with the executive director. The timelines may be extended upon written agreement between the public charter school and the complainant.

Complaints against the assistant executive director should be filed with the executive director. The executive director will attempt to resolve the complaint. If the complaint remains unresolved after 10 working days of receipt by the director, the complainant may request to place the complaint on the Board agenda at a Board meeting.

Complaints against the executive director should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board may use executive session if the subject matter qualifies under Oregon law. The written final decision of the Board regarding the complaint shall be issued by the Board within 10 days.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide, within 20 days, in open session what action if any, is warranted. The written final decision of the Board regarding the complaint shall be issued by the Board within 10 days.

Complaints against the Board chair should be referred directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete the results will be presented to the Board. The Board shall decide, within 20 days, in open session what action, if any, is warranted. The written decision of the Board regarding the complaint shall be issued by the Board within 10 days.

**Molalla River Academy**

**Complaint Form**

To: □ Employee\* □ Executive Director\* □ Board chair □ Board vice chair

\* Form available but is not required.

Person Making Complaint

Phone Number Email

Nature of Complaint

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

Suggested solution/resolution/outcome:

Signature of Complainant: Date:

**Office Use**

Disposition of Complaint:

Signature: Date:

cc: School Office

**Molalla River Academy**

Code: KN

Adopted: 3/03/22

**Relations with Law Enforcement Agencies**

The Board recognizes that cooperation with law enforcement agencies is essential for the protection of staff and students, for maintaining a safe environment in the public charter school and for safeguarding public charter school property.

Law enforcement officials may enter school facilities if a crime has been committed on public charter school property or to investigate matters concerning staff and students upon request initiated by either agency officials or by public charter school administrators.

The executive director will develop administrative regulations to implement this policy, including procedures for handling investigations, executive director requests for assistance and required referrals to law enforcement agencies.

END OF POLICY

**Legal Reference(s):**

[ORS 329](http://policy.osba.org/orsredir.asp?ors=ors-329).150

[ORS 338](http://policy.osba.org/orsredir.asp?ors=ors-338).115(2)

[ORS 419B](http://policy.osba.org/orsredir.asp?ors=ors-419).015

[ORS 419B](http://policy.osba.org/orsredir.asp?ors=ors-419).045

*Greene v. Camreta*, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by *Camreta v. Greene*, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by *Greene v. Camreta* 661 F. 3d 1201 (9th Cir. 2011).

Letter Opinion, Office of the Attorney General (August 18, 1986).

**Cross Reference(s):**

JFG - Student Searches

**Molalla River Academy**

Code: KN-AR(1)

Revised/Reviewed: 3/03/22

**Relations with Law Enforcement Agencies\*\***

**Request to Interview a Student or to Conduct an Investigation by Law Enforcement (Other Investigations)**

1. Interviews or investigations by law enforcement officials **not** based on allegations of abuse of a child, a warrant for an arrest or search or probable cause that an illegal act or crime is occurring or has been committed on public charter school property, may be permitted upon request and with administrator or designee approval.
2. The law enforcement official shall contact the administrator, provide adequate identification, inform the administrator of the nature of the investigation and provide the name of the student to be interviewed.
3. The administrator shall verify and record the identity of the law enforcement official or other authority.
4. Requests to interview a student during school hours should be, in the opinion of the administrator, important and urgent to justify interrupting school activities.
5. The executive director will attempt to notify the student’s parent(s) prior to granting the interview.

If the parent(s) does not give consent to have their child interviewed, then the interview should not take place.

1. If the parent(s) cannot be contacted, the administrator may grant permission for the questioning to proceed if the student agrees to be interviewed or in the event of compelling emergency circumstances.
2. If the administrator has been unable to contact the parent(s) then the administrator shall make a reasonable attempt to notify the parent(s) as soon as possible after the interview.
3. All such interviews shall be conducted in privacy, out of the view of staff, students and others.
4. The administrator shall be present at all times during the interview unless the student’s parent(s) is present and asks the administrator not to participate or the public charter school official is otherwise prohibited from being present by law.
5. The administrator shall maintain a written record of all such interviews conducted.

**Questioning of a Student Suspected of a Crime, Arrest or Taking a Student into Custody**

1. When a student is a suspect in a criminal act and is to be questioned by a law enforcement official for the purpose of establishing involvement in the act, questioning will be allowed on public charter school property only with parental consent. Normally, such questioning should occur outside school hours and off public charter school property.
2. At no time will a student be released to a law enforcement officer without one of the following:
   1. A warrant;
   2. A court order;
   3. Arrest;
   4. Protective custody resulting from abuse of a child investigation;
   5. Permission of the parent.
3. In all cases, **other than** abuse of a child cases, where a student is to be taken from the building by a law enforcement official, the administrator will verify the official’s identity and make a reasonable effort to notify the student’s parent(s). Law enforcement officials have the primary responsibility for notifying the parent(s) in such instances. Administrators must request law enforcement officials to complete the appropriate form provided by the public charter school. (See KN-AR(2) – Investigations Conducted on School Premises) The administrator will complete the form if the law enforcement official refuses and may deny the interview based on completion of the form.

**Abuse of a Child Investigations**

Any investigation of abuse of a child will be directed by the Oregon Department of Human Services (DHS) or law enforcement officials as required by law. The DHS or law enforcement agency will first notify the administrator of the investigation, unless the administrator is a subject of the investigation. The administrator or designee will request identification from the investigating official and must request the investigating official fill out the appropriate form (see JHFE/GBNAB-AR(2) – Abuse of a Child Investigations Conducted on School Premises). If the investigating official refuses to fill out or sign the form, the administrator may complete the form but should not deny the official’s request to interview the student on public charter school property. If the investigating official does not have adequate identification the administrator shall refuse access to the student. The administrator or designee may be present at the interview of the student at the discretion of the investigating official. When the subject matter of the interview or investigation involves abuse of a child, administrators and school employees shall not notify the parents.

**Administrator-Initiated Requests**

On occasion, the administrator may need, or be required to seek law enforcement assistance. Any student violation of the public charter school’s weapons policy shall be reported to the appropriate law enforcement agency. Abuse of a child also requires immediate referral to the DHS or law enforcement officials. Additionally, the administrator and/or designee(s) may report to law enforcement officials, other violations of law occurring on public charter school property or at public charter school-sponsored activities, as deemed appropriate.

**Molalla River Academy**

Code: KN-AR(2)

Revised/Reviewed: 3/03/22

**Investigations Conducted on School Premises**

When the executive director is notified that law enforcement would like to interview a student at school for the purpose of an investigation that is not related to abuse of a child, the administrator must request that the investigating official provide the information below. Failure to meet one of the five criteria may result in the administrator’s refusal to allow the student interview on 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):

1. Parental consent

Parent or guardian’s name:

Date consent granted:

1. This interview is not considered a “seizure” pursuant to state and federal law.

Signature of interviewer Date

Name of student to be interviewed Date of interview

□ Student not available for interview

□ Student refused to be interviewed Name of school official (administrator/

designee) receiving this form

This form should be placed in a separate file and not in student’s educational record file.

1. Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)). [↑](#footnote-ref-0)
2. As amended by House Bill 2954 (2021). [↑](#footnote-ref-1)
3. The public charter school board is given this authority by the school’s sponsor, Molalla River School District, as established by Board policy. [↑](#footnote-ref-2)
4. The display of a noose on public property with the intent to intimidate may be a Class A Misdemeanor under Senate Bill 398 (2021). [↑](#footnote-ref-3)
5. “School property” means any property under the control of the public charter school. [↑](#footnote-ref-4)
6. “Education program” includes any program, service, school or activity sponsored by the public charter school. [↑](#footnote-ref-5)
7. The term “complainant” in this administrative regulation includes persons filing formal complaints and persons reporting bias incidents, regardless of whether the complainant is a victim. Similarly, the term “complaint” includes any report, information or complaint. [↑](#footnote-ref-6)
8. The nature of the behavior or act must determine the process used to respond; what rights and protections are available to the person(s) impacted by the behavior or act; and an individual’s right to appeal to the Oregon Department of Education or the U.S. Department of Education. [↑](#footnote-ref-7)
9. For additional information regarding required notices, see OAR 581-022-2312(4)(e)(E). [↑](#footnote-ref-8)
10. An appeal must meet the criteria found in OAR 581-002-0005(1)(a). [↑](#footnote-ref-9)
11. Complaints must meet criteria as established by law. For more information, visit [http://www.ed.gov/about/offices/list/ocr/complaintintro.htm](http://www.ed.gov/about/offices/list/ocr/complaintintro.html)l [↑](#footnote-ref-10)
12. The term spouse includes domestic partner. [↑](#footnote-ref-11)
13. Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments. [↑](#footnote-ref-12)
14. Ibid. p. 1 [↑](#footnote-ref-13)
15. Ibid. p. 1 [↑](#footnote-ref-14)
16. The term spouse includes domestic partner. [↑](#footnote-ref-15)
17. Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments. [↑](#footnote-ref-16)
18. When telephone or other electronic means of communication is used during a meeting open to the public, the Board shall make at least one place available to the public where, or at least one electronic means by which, the public can listen during the meeting. At all meetings of the Board open to the public, the public will be provided an opportunity, to the extent reasonably possible, to access and attend the meeting by telephone, video or other electronic or virtual means. If in-person oral testimony (or public comment) is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit oral testimony during the meeting, at the designated portion of the agenda, by telephone, video or other electronic or other means. If in-person written testimony is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit written testimony including by email or other electronic means, so that the Board is able to consider the submitted testimony in a timely manner. [↑](#footnote-ref-17)
19. ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. [↑](#footnote-ref-18)
20. Oregon Administrative Rule 166-400-0010(9) [↑](#footnote-ref-19)
21. When in-person attendees are allowed to provide oral comment, virtual attendees will be afforded the same opportunity. [↑](#footnote-ref-20)
22. These standards are aligned with the Interstate School Leaders Licensure Consortium (ISLLC) and the Educational Leadership Constituents Council (ELCC) standards for Education Leadership. [↑](#footnote-ref-21)
23. See Integrated Pest Management Program for Oregon Schools at <http://blogs.oregonstate.edu/schoolipm/>. The program includes access to Resources & Forms including Model plans for large school districts and small school districts. [↑](#footnote-ref-22)
24. An injury or illness is work related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition. [↑](#footnote-ref-23)
25. Medical treatment includes managing or caring for a patient for the purpose of combatting disease or disorder. The following are not considered medical treatment: visits to a doctor or health care professional solely for observation or counseling; diagnostic procedures including administering prescription medications used solely for diagnostic purposes; and any procedure that can be labeled first aid. [↑](#footnote-ref-24)
26. A “catastrophe” is an accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility. [↑](#footnote-ref-25)
27. <https://www.faa.gov/uas/educational_users/> [↑](#footnote-ref-26)
28. <http://www.osaa.org/governance/handbooks> [↑](#footnote-ref-27)
29. Procedures must include: the length of time data will be retained by the school; specifications for third party storage of data, including handling, security and access to the data by the third party; a policy on disclosure of data through intergovernmental agreements. [↑](#footnote-ref-28)
30. A public body, as defined in ORS 174.109, operating an unmanned aircraft system must register as a user with ODA. (ORS 837.360) [↑](#footnote-ref-29)
31. “Proper fit” means the lap belt of the safety belt or harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck. [↑](#footnote-ref-30)
32. “Proper fit” means the lap belt of the safety belt or harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck. [↑](#footnote-ref-31)
33. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)). [↑](#footnote-ref-32)
34. This unlawful employment practice related to pregnancy, childbirth or a related medical condition as described in House Bill 2341 (2019) (added to ORS 659A) applies to employers who employ six or more persons. [↑](#footnote-ref-33)
35. 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. [↑](#footnote-ref-34)
36. This unlawful employment practice related to disability as described in ORS 659A.112 applies to employers who employ six or more persons (ORS 659A.106). [↑](#footnote-ref-35)
37. See Oregon Revised Statute (ORS) 408.235. [↑](#footnote-ref-36)
38. See Oregon Revised Statute (ORS) 408.225 and OAR 839-006-0440 for definitions of veteran and disabled veteran. [↑](#footnote-ref-37)
39. See Verification of Veteran’s Preference (OAR 839-006-0465). An applicant claiming veteran’s or disabled veteran’s preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215). A disabled veteran may also submit a copy of their veteran’s disability preference letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215. [↑](#footnote-ref-38)
40. **Verification of Veteran’s Preference**

    A veteran will submit: (a) a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215); or (b) proof of receiving a nonservice connected pension from the U.S. Department of Veterans Affairs. A disabled veteran will submit a copy of their letter from the Department of Veterans Affairs verifying disabled veteran status. [↑](#footnote-ref-39)
41. If the school chooses not to use a scored system the law requires that the school give special consideration in the school’s hiring decision to veterans and disabled veterans and the school will need to be able to demonstrate the method used for providing special consideration.” ORS 408.230(2)(c). [↑](#footnote-ref-40)
42. The points are based on a 100 point scoring matrix. If a 100 point scoring matrix is not used, the public charter school must use a multiplier equivalent to 5 percent for a veteran and 10 percent for a disabled veteran, or the equivalent. [↑](#footnote-ref-41)
43. Oregon Revised Statute (ORS) 408.230(5) [↑](#footnote-ref-42)
44. The term spouse includes domestic partner. [↑](#footnote-ref-43)
45. Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments. [↑](#footnote-ref-44)
46. Ibid. p. 2 [↑](#footnote-ref-45)
47. Ibid. p. 3 [↑](#footnote-ref-46)
48. “Sexual assault” means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation. [↑](#footnote-ref-47)
49. A “nondisclosure” agreement or provision prevents either party from disclosing the contents of or circumstances surrounding the agreement. [↑](#footnote-ref-48)
50. A “nondisparagement” agreement or provision prevents either party from making disparaging statements about the other party. [↑](#footnote-ref-49)
51. Provide information about legal resources and counseling and support services, which may include public charter school-provided assistance services available to the public charter school employee, and a copy the public charter school’s Board policy GBEA - Workplace Harassment and this administrative regulation to the public charter school employee. [↑](#footnote-ref-50)
52. Added per OAR 333-019-1000(2). [↑](#footnote-ref-51)
53. “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19. [↑](#footnote-ref-52)
54. Refer to *Communicable Disease Guidance* published by the Oregon Health Authority and the Oregon Department of Education. [↑](#footnote-ref-53)
55. HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus [↑](#footnote-ref-54)
56. Public charter school’s directly receiving grants or contracts from the federal government are required to meet this obligation. [↑](#footnote-ref-55)
57. Ibid. p. 1 [↑](#footnote-ref-56)
58. Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNAA/JHFF) [↑](#footnote-ref-57)
59. “Third party” means a person who is not a student or a school staff member and who is: 1) on or immediately adjacent to school grounds or public charter school property; 2) at a school-sponsored activity or program; or 3) off school grounds or public charter school property if a student or a public charter school staff member acts toward the person in a manner that creates a hostile environment for the person while on public charter school property, or at a school-sponsored activity. [↑](#footnote-ref-58)
60. Student, staff member, or third party, or if applicable, the student or third party’s parent. If the person is a minor, the public charter school should consider when to contact the person’s parent. [↑](#footnote-ref-59)
61. Remember confidentiality laws when providing any information. [↑](#footnote-ref-60)
62. “Education program or activity” includes locations, events, or circumstances over which the public charter school exercised substantial control over both the respondent and the context in which the sexual harassment occurs.” Title 34 C.F.R. § 106.44(a). [↑](#footnote-ref-61)
63. (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A public charter school is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. [↑](#footnote-ref-62)
64. (Title 34 C.F.R. § 106.44(a)) “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the public charter school’s educational environment, or deter sexual harassment. The public charter school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a)) [↑](#footnote-ref-63)
65. This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). [↑](#footnote-ref-64)
66. The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint. [↑](#footnote-ref-65)
67. The public charter school may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c)) [↑](#footnote-ref-66)
68. Of the United Stated Department of Education. [↑](#footnote-ref-67)
69. Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination. [↑](#footnote-ref-68)
70. This standard is not met when the only official with knowledge is the respondent. [↑](#footnote-ref-69)
71. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. [↑](#footnote-ref-70)
72. A complainant must be participating in or attempting to participate in the education program or activity of the public charter school with which the formal complaint is filed. [↑](#footnote-ref-71)
73. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. [↑](#footnote-ref-72)
74. Parties include the complainant and the respondent, if known. [↑](#footnote-ref-73)
75. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. [↑](#footnote-ref-74)
76. The public charter school cannot access, consider, disclose, or otherwise use a party’s records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s capacity, and which are maintained in connection with the provision of treatment to the party, unless the public charter school obtains the party’s (or eligible student’s parent’s) voluntary, written consent to do so. [↑](#footnote-ref-75)
77. In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students. [↑](#footnote-ref-76)
78. This includes the evidence upon which the public charter school does not intent to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The public charter school must make all such evidence subject to the parties’ inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. [↑](#footnote-ref-77)
79. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent. [↑](#footnote-ref-78)
80. A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409. [↑](#footnote-ref-79)
81. Public charter schools should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions. [↑](#footnote-ref-80)
82. It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.” [↑](#footnote-ref-81)
83. Includes locations, events, or circumstances over which the public charter school exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs[, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution]. (Title 34 C.F.R. §106.44(a)) [↑](#footnote-ref-82)
84. Good cause may include considerations such as the absence of a party, a party’s advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v)) [↑](#footnote-ref-83)
85. This includes creating a record for each investigation. This record must include:

    * Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
    * Basis for the conclusion that the public charter school’s response was not deliberatively indifferent; and
    * What measures were taken to restore or preserve equal access to the public charter school’s educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

    Most records (including training) must be retained for at least seven years. [↑](#footnote-ref-84)
86. “Contractor” means a person providing services to the public charter school under a contract in a manner that requires the person to have direct, unsupervised contact with students. [↑](#footnote-ref-85)
87. “Agent” means a person acting as an agent for the public charter school in a manner that requires the person to have direct, unsupervised contact with students. [↑](#footnote-ref-86)
88. “Volunteer” means a person acting as a volunteer for the public charter school in a manner that requires the person to have direct, unsupervised contact with students. [↑](#footnote-ref-87)
89. This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021. [↑](#footnote-ref-88)
90. “Commission licensee,” as is defined in ORS 342.120 (as amended by HB 2136 (2021)), means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years. [↑](#footnote-ref-89)
91. The public charter school employee cannot be required to use any accrued leave during the imposed paid administrative leave. [↑](#footnote-ref-90)
92. TSPC investigates reports on commission licensees. [↑](#footnote-ref-91)
93. ODE investigates reports on persons who are not commission licensees. [↑](#footnote-ref-92)
94. Includes the neglect of a child; abuse is defined in ORS 419B.005. [↑](#footnote-ref-93)
95. “Person” could include adult, student or other child. [↑](#footnote-ref-94)
96. “Contractor” means a person providing services to the public charter school under a contract in a manner that requires the person to have direct, unsupervised contact with students. [↑](#footnote-ref-95)
97. “Agent” means a person acting as an agent for the public charter school in a manner that requires the person to have direct, unsupervised contact with students. [↑](#footnote-ref-96)
98. “Volunteer” means a person acting as a volunteer for the public charter school in a manner that requires the person to have direct, unsupervised contact with students. [↑](#footnote-ref-97)
99. Includes the neglect of a child; abuse is defined in ORS 419B.005. [↑](#footnote-ref-98)
100. “Person” could include adult, student or other child. [↑](#footnote-ref-99)
101. The public charter school employee cannot be required to use any accrued leave during the imposed paid administrative leave. [↑](#footnote-ref-100)
102. The public charter school will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law. [↑](#footnote-ref-101)
103. Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media. [↑](#footnote-ref-102)
104. Ibid. p. 1 [↑](#footnote-ref-103)
105. Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the public charter school has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b). [↑](#footnote-ref-104)
106. Subject individuals and requirements are further outlined in GCDA/GDDA-AR - Criminal Records Checks and Fingerprinting. [↑](#footnote-ref-105)
107. Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the public charter school has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b). [↑](#footnote-ref-106)
108. Ibid. 1 p. 1 [↑](#footnote-ref-107)
109. A contractor’s employee may not be required to submit to fingerprinting until the contractor has been offered a contract by the public charter school. [↑](#footnote-ref-108)
110. See policy GCDA/GDDA – Criminal Records Checks and Fingerprinting. [↑](#footnote-ref-109)
111. Any individual hired within the last three months. [↑](#footnote-ref-110)
112. Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law. [↑](#footnote-ref-111)
113. There must be a break in service for retired employees returning to work. [↑](#footnote-ref-112)
114. “District,” for the purpose of this policy, means the district in which the public charter school is located. [↑](#footnote-ref-113)
115. Ibid. p. 4. [↑](#footnote-ref-114)
116. Oregon Department of Education page for: [30-day notice and opt-out form](https://www.oregon.gov/ode/educator-resources/assessment/Pages/Assessment-Administration.aspx) [↑](#footnote-ref-115)
117. Public charter schools are required to provide notice twice each year: once at the beginning of the year and second time at least 30 days prior to the administration of the test. [↑](#footnote-ref-116)
118. The National League of Families’ POW/MIA flag must only be displayed on or near public buildings that have existing flagpoles or other infrastructure installed to properly display the U.S., Oregon State, and National League of Families’ POW/MIA flags simultaneously. [↑](#footnote-ref-117)
119. The American with Disabilities Act definition of “service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Companion and comfort animals are not considered service animals. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition. The law and its regulations also make an allowance for miniature horses. [↑](#footnote-ref-118)
120. The American with Disabilities Act definition of “service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Companion and comfort animals are not considered service animals. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. The law and its regulations also make an allowance for miniature horses. [↑](#footnote-ref-119)
121. The district may request this information if the nature of the work or task the assistance animal is trained, or is being trained to do or perform, is not readily apparent. [↑](#footnote-ref-120)
122. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)). [↑](#footnote-ref-121)
123. As amended by House Bill 2954 (2021). [↑](#footnote-ref-122)
124. Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNAA/JHFF) [↑](#footnote-ref-123)
125. “Third party” means a person who is not a student or a school staff member and who is: 1) on or immediately adjacent to school grounds or public charter school property; 2) at a school-sponsored activity or program; or 3) off school grounds or public charter school property if a student or a public charter school staff member acts toward the person in a manner that creates a hostile environment for the person while on public charter school property, or at a school-sponsored activity. [↑](#footnote-ref-124)
126. Student, staff member, or third party, or if applicable, the student or third party’s parent. If the person is a minor, the public charter school should consider when to contact the person’s parent. [↑](#footnote-ref-125)
127. Remember confidentiality laws when providing any information. [↑](#footnote-ref-126)
128. “Education program or activity” includes locations, events, or circumstances over which the public charter school exercised substantial control over both the respondent and the context in which the sexual harassment occurs.” Title 34 C.F.R. § 106.44(a). [↑](#footnote-ref-127)
129. (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A public charter school is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. [↑](#footnote-ref-128)
130. (Title 34 C.F.R. § 106.44(a)) “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the public charter school’s educational environment, or deter sexual harassment. The public charter school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a)) [↑](#footnote-ref-129)
131. This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). [↑](#footnote-ref-130)
132. The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint. [↑](#footnote-ref-131)
133. The public charter school may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c)) [↑](#footnote-ref-132)
134. Of the United Stated Department of Education. [↑](#footnote-ref-133)
135. Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination. [↑](#footnote-ref-134)
136. This standard is not met when the only official with knowledge is the respondent. [↑](#footnote-ref-135)
137. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. [↑](#footnote-ref-136)
138. A complainant must be participating in or attempting to participate in the education program or activity of the public charter school with which the formal complaint is filed. [↑](#footnote-ref-137)
139. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. [↑](#footnote-ref-138)
140. Parties include the complainant and the respondent, if known. [↑](#footnote-ref-139)
141. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. [↑](#footnote-ref-140)
142. The public charter school cannot access, consider, disclose, or otherwise use a party’s records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s capacity, and which are maintained in connection with the provision of treatment to the party, unless the public charter school obtains the party’s (or eligible student’s parent’s) voluntary, written consent to do so. [↑](#footnote-ref-141)
143. In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students. [↑](#footnote-ref-142)
144. This includes the evidence upon which the public charter school does not intent to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The public charter school must make all such evidence subject to the parties’ inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. [↑](#footnote-ref-143)
145. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent. [↑](#footnote-ref-144)
146. A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409. [↑](#footnote-ref-145)
147. Public charter schools should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions. [↑](#footnote-ref-146)
148. It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.” [↑](#footnote-ref-147)
149. Includes locations, events, or circumstances over which the public charter school exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs[, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution]. (Title 34 C.F.R. §106.44(a)) [↑](#footnote-ref-148)
150. Good cause may include considerations such as the absence of a party, a party’s advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v)) [↑](#footnote-ref-149)
151. This includes creating a record for each investigation. This record must include:

     * Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
     * Basis for the conclusion that the public charter school’s response was not deliberatively indifferent; and
     * What measures were taken to restore or preserve equal access to the public charter school’s educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

     Most records (including training) must be retained for at least seven years. [↑](#footnote-ref-150)
152. 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. [↑](#footnote-ref-151)
153. “Major life activities,” as defined by the Americans with Disabilities Act Amendments Act of 2008, includes 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. [↑](#footnote-ref-152)
154. “Appropriate education” (34 C.F.R. § 104.33) 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, 104.35 and 104.36 concerning educational setting, evaluation and placement and procedural safeguards. [↑](#footnote-ref-153)
155. 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. [↑](#footnote-ref-154)
156. These are data categories that the Oregon Department of Education collects. Public charter schools may choose to add to this list from data the public charter school collects. [↑](#footnote-ref-155)
157. “Military child” means a child who is in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education. [↑](#footnote-ref-156)
158. U.S. Armed Forces includes the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; reserve components of the Army, Navy, Air Force, Marines Corps and Coast Guard of the United States; and the National Guard of the United States and the Oregon National Guard. [↑](#footnote-ref-157)
159. Expulsion may not be used to address truancy. (ORS 339.250(2)(b)(B)) [↑](#footnote-ref-158)
160. The public charter school is prohibited from retaliating against any student “for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.” ORS 659.852. [↑](#footnote-ref-159)
161. The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs will be reported to law enforcement and/or other appropriate state or federal agencies. [↑](#footnote-ref-160)
162. The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs will be reported to law enforcement and/or other appropriate state or federal agencies. [↑](#footnote-ref-161)
163. “Family or household members” as defined in ORS 107.705. [↑](#footnote-ref-162)
164. A student removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. [↑](#footnote-ref-163)
165. [↑](#footnote-ref-164)
166. The use of a solid object, including furniture, a wall, or the floor, by public charter school staff performing a restraint is not prohibited if the object is used for the staff’s own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student’s body. [↑](#footnote-ref-165)
167. Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student. [↑](#footnote-ref-166)
168. “District,” for the purpose of this policy, means the district in which the public charter school is located. [↑](#footnote-ref-167)
169. “District,” for the purpose of this administrative regulation, means the district in which the public charter school is located. [↑](#footnote-ref-168)
170. The person serving the notice shall file a return of service. (OAR 581-021-0070) [↑](#footnote-ref-169)
171. When “certified mail is given to a parent of a suspended student, the notice shall be placed in the mail at least five days before the date of the hearing.” (OAR 581-021-0070) [↑](#footnote-ref-170)
172. The term “invasive physical examination,” as defined by law, means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening. The term does not include any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification. [↑](#footnote-ref-171)
173. The school shall immediately enroll a homeless student in the school even if the student is unable to produce records normally required for enrollment. [↑](#footnote-ref-172)
174. Documentation requirements for exemptions are outlined in ORS 433.267. [↑](#footnote-ref-173)
175. Added per OAR 333-019-1000(2). [↑](#footnote-ref-174)
176. “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19. [↑](#footnote-ref-175)
177. HIV - Human Immunodeficiency Virus; HBV - Hepatitis B Virus; AIDS - Acquired Immune Deficiency Syndrome [↑](#footnote-ref-176)
178. http://www.oregon.gov/ode/students-and-family/healthsafety/Documents/commdisease.pdf [↑](#footnote-ref-177)
179. Under proper notice given to the public charter school by a student or student’s parent or guardian. [↑](#footnote-ref-178)
180. A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days. [↑](#footnote-ref-179)
181. Subject to ORS 109.610, 109.640 and 109.675. [↑](#footnote-ref-180)
182. Includes the neglect of a child; abuse is defined in ORS 419B.005. [↑](#footnote-ref-181)
183. “Person” could include adult, student or other child. [↑](#footnote-ref-182)
184. “Contractor” means a person providing services to the public charter school under a contract in a manner that requires the person to have direct, unsupervised contact with students. [↑](#footnote-ref-183)
185. “Agent” means a person acting as an agent for the public charter school in a manner that requires the person to have direct, unsupervised contact with students. [↑](#footnote-ref-184)
186. “Volunteer” means a person acting as a volunteer for the public charter school in a manner that requires the person to have direct, unsupervised contact with students. [↑](#footnote-ref-185)
187. Includes the neglect of a child; abuse is defined in ORS 419B.005. [↑](#footnote-ref-186)
188. “Person” could include adult, student or other child. [↑](#footnote-ref-187)
189. The public charter school employee cannot be required to use any accrued leave during the imposed paid administrative leave. [↑](#footnote-ref-188)
190. The public charter school will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law. [↑](#footnote-ref-189)
191. “Contractor” means a person providing services to the public charter school under a contract in a manner that requires the person to have direct, unsupervised contact with students. [↑](#footnote-ref-190)
192. “Agent” means a person acting as an agent for the public charter school in a manner that requires the person to have direct, unsupervised contact with students. [↑](#footnote-ref-191)
193. “Volunteer” means a person acting as a volunteer for the public charter school in a manner that requires the person to have direct, unsupervised contact with students. [↑](#footnote-ref-192)
194. This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021. [↑](#footnote-ref-193)
195. “Commission licensee,” as is defined in ORS 342.120 (as amended by HB 2136 (2021)), means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years. [↑](#footnote-ref-194)
196. The public charter school employee cannot be required to use any accrued leave during the imposed paid administrative leave. [↑](#footnote-ref-195)
197. TSPC investigates reports on commission licensees. [↑](#footnote-ref-196)
198. ODE investigates reports on persons who are not commission licensees. [↑](#footnote-ref-197)
199. “District,” for the purpose of this policy, means the district in which the public charter school is located. [↑](#footnote-ref-198)
200. Ibid. p. 4. [↑](#footnote-ref-199)
201. “District” for the purpose of this policy, means the district in which the public charter school is located. [↑](#footnote-ref-200)
202. “Covered survey items,” under ESSA, 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. [↑](#footnote-ref-201)
203. “Covered activities,” requiring notification, under ESSA, 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. [↑](#footnote-ref-202)
204. There are multiple definitions for “public record” in ORS 192. This definition comes from ORS 192.005(5) and applies to the archiving and retention of records. [↑](#footnote-ref-203)
205. “Business day” means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the public charter school is scheduled to and does report to work. Business day does not include any day on which the public charter school is closed. [↑](#footnote-ref-204)
206. The public charter school response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329). [↑](#footnote-ref-205)
207. Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable. [↑](#footnote-ref-206)