

**OSBA
REQUIRED
POLICIES
FOR
GOVERNANCE**

The Lighthouse School

Code: JFCF
Adopted: SEPTEMBER 4, 2019
Revised/Reviewed:

REQUIRED

[Hazing,]Harassment, Intimidation, Bullying, [Menacing,]Cyberbullying, Teen Dating Violence and Domestic Violence – Student**

The Board, in its commitment to providing a positive and productive learning environment, will consult with parents/guardians, employees, volunteers, students, administrators and community representatives in developing this policy compliance with applicable Oregon Revised Statutes. [Hazing,] harassment, intimidation or bullying[, menacing] and acts of cyberbullying by students, staff and third parties toward students is strictly prohibited. Teen dating violence is unacceptable behavior and prohibited. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

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

The 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 control of the public charter school.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school control at inter-public charter school and intra-public charter school athletic competitions or other school events.

[“Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any public charter school-

sponsored activity or grade level attainment, (i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student); requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article; assignment of pranks to be performed or other such activities intended to degrade or humiliate. It is not a defense against hazing that the student subjected to hazing consented to or appeared to consent to the hazing.]

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

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
3. Creating a hostile educational environment including interfering with the psychological well being of the student.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation¹, national origin, marital status, familial status, source of income or disability.

“Teen dating violence” means:

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

“Domestic violence” means abuse by one or more of the following acts between family and household members²:

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

² “Family or household members” [as defined in ORS 107.705] OR [means any of the following:

1. Spouses;
2. Former spouses;

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

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

Reporting

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

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

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

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3. Adult persons related by blood, marriage or adoption;
 4. Persons who are cohabiting or who have cohabited with each other;
 5. Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition under Oregon Revised Statute 107.710;
 6. Unmarried parents of a child.]

Complaints against the administrator shall be filed with the Board chair.

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

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

The public charter school shall incorporate age-appropriate education about teen dating violence 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.

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

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 the ODE.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 166.065](#)
[ORS 166.155 to -166.165](#)
[ORS 174.100\(7\)](#)
[ORS 332.072](#)

[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.254](#)
[ORS 339.351 to -339.366](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0055](#)
[OAR 581-022-2310](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2017).

The Lighthouse School

Code: JFCF-AR
Adopted: 11/6/2019
Revised/Reviewed:

Required

[Hazing,]Harassment, Intimidation, Bullying, [Menacing,]Cyberbullying and Teen Dating Violence Complaint Procedures – Student

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

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

- Step 1 Any [hazing,] harassment, intimidation or bullying, [menacing,] acts of cyberbullying and incidents of teen dating violence information (complaints, rumors, etc.) shall be presented to the Director. Complaints against the administrator shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The public charter school official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The public charter school official will arrange such meetings as may be necessary with all concerned parties within [five] working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The public charter school official conducting the investigation shall notify the complainant and parents as appropriate, [in writing,] when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- Step 3 If the complainant is not satisfied with the decision at Step 2, a written appeal may be filed with the Board. Such appeal must be filed within [10] working days after receipt of the Step 2 decision. The Board shall, within [20] working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within [10] working days following completion of the hearing.

Complaints against the administrator may start at step 3 and should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint 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 related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights.

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

End of Policy

The Lighthouse School

Code: JO/IGBAB
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Required

Education Records/Records of Students with Disabilities**

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

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

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

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

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

[ORS 326.580](#)
[ORS 338.115\(a\)](#)
[ORS 339.270](#)
[ORS 343.177\(3\)](#)

[OAR 166-400-0010 to -166-400-0065](#)
[OAR 581-021-0220 to -0430](#)
[OAR 581-022-2260](#)
[OAR 581-022-2270](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2017).
 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017); 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).

The Lighthouse School

Code: JO/IGBAB-AR
Adopted: APRIL 3, 2019
Revised/Reviewed:

Required

Education Records/Records of Students with Disabilities Management

1. Student Education Record

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

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

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

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

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

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

2. Confidentiality of Student Records

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

- d. All persons collecting or using personally identifiable information shall receive training or instruction on state policies and procedures.

3. Rights of Parents and Eligible Students

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

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

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

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

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

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

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

The public charter school shall permit an eligible student or student's parent(s) or a representative of a parent or eligible student, if authorized in writing by the eligible student or student's parent(s), to inspect and review the education records of the student, unless the education records of a student

contain information on more than one student. In that case the eligible student or student's parent(s) may inspect, review or be informed of only the specific information about the student.

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

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

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

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

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

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

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

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

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

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

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

Students' education records will be maintained at the public charter school building at which the student is in attendance except for special education records which may be located at another designated location within the public charter school or the district¹. The [administrator or designee] shall be the person responsible for maintaining and releasing the education records.

2. Release of Personally Identifiable Information

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

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

As used in this section, "legitimate educational interest" means a public charter school or district¹ official employed by the public charter school or district as an administrator, 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.

- b. The disclosure is to officials of another school within the district¹;
- c. The disclosure is to authorized representatives of:

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

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

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

- (4) Enforce the terms and condition of the aid.

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

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

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

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

- (1) Designates the individual or entity as an authorized representative;
- (2) Specifies the personally identifiable information being disclosed;
- (3) Specifies the personally identifiable information being disclosed in the furtherance of an audit, evaluation or enforcement or compliance activity of the federal or state supported education programs;
- (4) Describes the activity with sufficient specificity to make clear it falls within the audit or evaluation exception; this must include a description of how the personally identifiable information will be used;

- (5) Requires information to be destroyed when no longer needed for the purpose for which the study was conducted;
 - (6) Identifies the time period in which the personally identifiable information must be destroyed; and
 - (7) Establishes policies and procedures which are consistent with Family Education Rights and Privacy Act (FERPA) and other federal and state confidentiality and privacy provisions to insure the protection of the personally identifiable information from further disclosure and unauthorized use.
- b. The disclosure is to accrediting organizations to carry out their accrediting functions;
 - c. 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;
 - d. 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;
 - e. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
 - f. 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.

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

- j. 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;

- k. 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.

2. Record-Keeping Requirements

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

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

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

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

2. Request for Amendment of Student's Education Record

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

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

3. Hearing Rights of Parents or Eligible Students

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

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

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

The parent or eligible student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. The hearing shall be private. Persons other than the student, parent, witnesses and counsel shall not be admitted. The hearings officer shall preside over the panel. The panel will hear evidence from the public charter school staff and the eligible student or student's parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or public charter school or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student's parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or 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 he/she disagrees with the decision of the panel. If a statement is placed in an education record, the public charter school will ensure that the statement:

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

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

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

2. 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.

3. Duties and Responsibilities When Transferring Education Records

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

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

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

Disclosure Statement

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

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

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

The public charter school, 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.

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The Lighthouse School

Code: JOA
Adopted: APRIL 3, 2019
Revised/Reviewed:

Required

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^[1] 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. Date and place of birth;
6. Major field of study;
7. Participation in officially recognized sports and activities;
8. Weight and height of athletic team members;
9. Dates of attendance;
10. Grade level;
11. Degrees, honors or awards received;
12. Most recent previous school or program attended.

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.

¹ [For the health, safety and welfare of students, the public charter school may want to consider limiting this list. Consider deleting 2, 3, 5, 6, 9, 10, 11 and/or 12; recommend deleting the word “degrees” in #11 if kept.]

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[, identifier, institutional email address in a class in which the student is enrolled] 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 30.864](#)
[ORS 107.154](#)
[ORS 326.565](#)
[ORS 326.575](#)

[ORS 336.187](#)
[ORS 338.115\(1\)\(a\)](#)
[OAR 581-021-0220 to -0430](#)

[OAR 581-022-2260](#)
HB 3464 (2017)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2017).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Every Student Succeeds Act of 2015, 20 U.S.C. § 7908 (2017).

The Lighthouse School

Code: JOB
Adopted: APRIL 3, 2019
Revised/Reviewed:

Required

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 district¹ who have legitimate educational interests;
2. To personnel of an education service district or state regional program where the student is enrolled or is receiving services;
3. To personnel of another school, another district, state regional program or institution of postsecondary education where the student seeks or intends to enroll;
4. To authorized representatives [of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division] in connection with an audit or evaluation of federal or state-supported education programs or the enforcement of or compliance with federal or state-supported education programs or the enforcement of or compliance with federal or state regulations;
5. To personnel determining a financial aid request for the student;
6. To personnel conducting studies for or on behalf of the 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):

¹ “District” for the purpose of this policy, means the district in which the public charter school is located.

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

[ORS 336.187](#)
[ORS 338.115\(a\)](#)

[OAR 581-021-0220 to -0430](#)
[OAR 581-022-2260](#)

[OAR 581-015-2000](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2017).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Family 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 (2017).

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The Lighthouse School

Code: KAB
Adopted: APRIL 3, 2019
Revised/Reviewed:

Required

Parental Rights**

The public charter school board recognizes the importance of promoting parental input in decision making related to their student's health and general well-being, in determining public charter school and student needs for educational services, in program development and public charter school operations. To assist the public charter school in this effort, and in accordance with 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"¹;
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"². 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.

¹ "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.

² "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.

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 338.115(1)(w)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2015); 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 (2015).

Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2010).

The Lighthouse School

Code: KAB-AR
Adopted: APRIL 3, 2019
Revised/Reviewed:

Required

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 non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student, or of other students. This provision does not apply to physical examinations or screenings that are permitted or required by law, including physical examinations or screenings permitted without parental notification;
4. “Third parties” include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school control;
5. “Instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments;
6. “Personal information” means individually identifiable information including a student or parent’s first and last name; a home or other physical address (including street name and the name of the city or town); telephone number; or a social security identification number;

7. “Invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion or injection into the body. It does not include a hearing, vision or scoliosis screening and does not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification.

Requests to Inspect Materials

Parents may inspect surveys, instructional materials or instruments used to collect personal student information for marketing purposes before such items are administered or distributed by a public charter school to a student as follows:

1. Requests may be directed to the public charter school office by phone or in person;
2. Requests must be received by the public charter school no later than [five] working days following receipt of notification by the public charter school of its intent to administer or distribute such items;
3. Materials may be reviewed at the public charter school office or mailed by the public charter school;
4. Requests to mail materials must be accompanied by a self-addressed, stamped envelope.

Requests to Excuse Student from Covered Activities

A parent may request that his/her student be excused from participation in any of the following covered activities:

1. The collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information to others;
2. Any public charter school or third party survey;
3. The administration of non-emergency, 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.

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The Lighthouse School

Code: KJA
Adopted: March 4, 2020
Revised/Reviewed:

Recommended

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 Director.

The Director shall determine distribution procedures. Such procedures may include:

1. Distribution to each student before or after class if materials are not directly related to the instructional goals;
2. Notification to students or parents of the availability of the materials in a specified location if this procedure is deemed less disruptive to the educational process; or
3. Solicitation of school-related groups such as parent organizations to distribute materials.

The practice of distributing pamphlets, booklets, flyers, brochures and other similar materials shall be periodically reviewed to ensure that the mere volume of requests has not become an interruption to the educational process.

END OF POLICY

Legal Reference(s):

ORS 338.115(2)

46 OR. ATTY. GEN. OP. 239 (1989).

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The Lighthouse School

Code: IKF
Adopted: SEPTEMBER 4, 2019
Revised/Reviewed:

REQUIRED

Graduation Requirements**

(This version is for a public charter school that includes grades K through 8 only; this version requires an administrative regulation - see IKF-AR, Version 2)
(Version 2)

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

The public charter school will ensure that students have access onsite to the appropriate resources to achieve a diploma, a modified diploma, an extended diploma or an alternative certificate. The public charter school will provide age-appropriate and developmentally appropriate literacy instruction to all students through grade 8.

¹The public charter school will develop procedures to provide assessment options as described in the *Essential Skills and Local Performance Assessment Manual*, in the ELL student's language of origin for those ELL students who meet the criteria above, and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

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

Beginning in grade five when a student is taking an alternate assessment, the public charter school will annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma, an extended diploma and an alternative certificate.

The public charter school may not deny a diploma to a student who has opted out of the statewide assessments if the student is able to satisfy all other requirements for the diploma. Students who opt-out of the statewide summative assessments will need to meet the Essential Skills graduation requirement using another approved assessment option.

The public charter school shall establish conduct and discipline consequences for student-initiated test impropriety. "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.

¹ [This paragraph is required if the public charter school allows ELL students to demonstrate proficiency in Essential Skill of Apply Mathematics and other courses.]

END OF POLICY

Legal Reference(s):

[ORS 329.045](#)
[ORS 329.095](#)
[ORS 329.451](#)
[ORS 329.479](#)
[ORS 332.114](#)
[ORS 339.115](#)

[ORS 343.295](#)
[OAR 581-022-1910](#)
[OAR 581-022-2000](#)
[OAR 581-022-2010](#)
[OAR 581-022-2015](#)
[OAR 581-022-2020](#)

[OAR 581-022-2025](#)
[OAR 581-022-2030](#)
[OAR 581-022-2115](#)
[OAR 581-022-2120](#)
[OAR 581-022-2505](#)

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION (FEBRUARY 4, 2016).

Essential Skills and Local Performance Assessment Manual, published by the OREGON DEPARTMENT OF EDUCATION (MARCH 17, 2016).

The Lighthouse School

Code: JB
Adopted: SEPTEMBER 4, 2019
Revised/Reviewed:

REQUIRED

Equal Educational Opportunity

Every student of the public charter school will be given equal educational opportunities regardless of age, sex, sexual orientation¹, race, religion, color, national origin, disability, parental status, familial status and marital status.

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

[ORS Chapter 659A](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-2310](#)
[OAR 839-003](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2017).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2017).

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

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2017).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705 (2017);

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2017).

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.

The Lighthouse School

Code: JF/JFA
Adopted: May 1, 2019
Revised/Reviewed:

REQUIRED

Student Rights and Responsibilities**

The public charter school board has the responsibility to afford students the rights that are theirs by virtue of guarantees offered under federal and state constitutions and statutes. In connection with 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 his/her rights;
4. The right to free inquiry and expression; the responsibility to observe reasonable rules regarding these rights;
5. The right to privacy, which includes privacy with respect to the student's education records.

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.061](#)
[ORS 332.072](#)
[ORS 337.150](#)
[ORS 338.115\(a\)](#)
[ORS 339.155](#)

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

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0050 to -0075](#)
[OAR 581-022-2310](#)

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

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The Lighthouse School

Code: JFCG/JFCH/JFCI
Adopted: November 6, 2019
Revised/Reviewed:

Required

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

Student [substance abuse,] 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 (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). If possession, use, distribution or sale occurred on public charter school grounds, at public charter school-sponsored activities or otherwise while the student was under the jurisdiction of the public charter school, students will be subject to discipline up to and including expulsion. Denial and/or removal from any or all extracurricular activities and/or forfeiture of any school honors or privileges may also be imposed. A student may be referred to law enforcement officials. Parents will be notified of all violations involving their student and subsequent action taken by the school.

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 153.018	ORS 339.883	OAR 581-053-0230(9)(s)
ORS 161.605	ORS 431.840	OAR 581-053-0330(1)(m)-(o)
ORS 161.625	ORS 431.845	OAR 581-053-0430(12)-(14)
ORS 163.575	ORS 431A.175	OAR 581-053-0531(11)-(13)
ORS 336.067	ORS 433.835 to -433.990	OAR 581-053-0630
ORS 336.222	ORS Chapter 475	OAR 584-020-0040
ORS 336.227		
ORS 338.115(a)(w)	OAR 581-021-0050 to -0075	SB 754 (2017)
ORS 339.240	OAR 581-021-0110	
ORS 339.250	OAR 581-022-2045	

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).

The Lighthouse School

Code: JFCM
Adopted: MAY 1, 2019
Revised/Reviewed:

REQUIRED

Threats of Violence**

The public charter school board is committed to promoting healthy relationships and a safe learning environment. To this end, student threats of harm to self or others, threatening behavior or acts of violence, including threats to severely damage public charter school property, shall not be tolerated on 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 administrator of any threat, threatening behavior or act of violence he or she has knowledge of, has witnessed or received. All reports will be promptly investigated.

Students found in violation of this policy shall be subject to discipline up to and including expulsion.

A referral to law enforcement shall be made for any infraction involving a student bringing, possessing, concealing or using a weapon or destructive device as prohibited by state and federal law and public charter school board policy.

The public charter school administrator shall, in determining appropriate disciplinary action, consider:

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

The public charter school administrator shall ensure notification is provided to:

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

3. Any school employee whose name appears on a targeted list threatening violence or harm to the public charter school employee [and when threats of violence or harm are made by a student or others].

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

The public charter school administrator will provide necessary information regarding threats of violence to law enforcement, child protective services and health-care professionals in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. Additionally, he or she may provide such information to other school officials, including teachers, within the public charter school who have a legitimate educational interest in the student(s) consistent with state and federal education records laws. "Legitimate educational interest" means a licensed staff member having the student in class, the student's counselor or other licensed or non-licensed staff due to special referral or participating in staffing, programming or case review of a specifically named student.

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

[As a part of the public charter school's proactive safety efforts, the public charter school administrator will plan staff development activities designed to alert staff to early warning signs of possible violent behavior. Students so identified shall be referred to a counselor, licensed mental health professional and/or multidisciplinary team for evaluation and follow-up as appropriate.]

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)
[ORS 166.210 to -166.370](#)
[ORS 338.115\(j\)](#)
[ORS 339.115](#)
[ORS 339.240](#)
[ORS 339.250](#)

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

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

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

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2017).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2017).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

The Lighthouse School

Code: JGA
Adopted: MAY 1, 2019
Revised/Reviewed:

REQUIRED

Corporal Punishment**

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)
[ORS 338.115\(o\)](#)
[ORS 339.240](#)

[ORS 339.250](#)
[OAR 581-021-0050 to -0075](#)

[OAR 584-020-0040](#)

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The Lighthouse School

Code: JGAB
Adopted: MAY 1, 2019
Revised/Reviewed:

REQUIRED

Use of Restraint and Seclusion

The Board is dedicated to the development and application of best practices within the public charter schools educational/behavioral programs. It is the intent of the Board to establish a policy that defines the circumstances that must exist and the requirements that must be met prior to, during and after the use of physical restraint and/or seclusion as an intervention with public charter school students.

Definitions

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

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

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

Mechanical restraint does not include:

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

6. “Prone restraint” means a restraint in which a student is held face down on the floor.

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

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

The public charter school shall utilize the Oregon Intervention System training program of physical restraint and seclusion for use by the public charter school staff. As required by state regulation, the selected program shall include: behavioral support, prevention, de-escalation and crisis response techniques. Any program selected by the public charter school must be in compliance with state and federal law with respect to the use of physical restraint and/or seclusion.

An annual review of the use of physical restraint and seclusion during the preceding school year shall be completed and submitted to the Superintendent of Public Instruction to ensure compliance with public charter school policies and procedures. The results of the annual review shall be documented and shall include at a minimum:

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

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

This report shall be made available to the Board and to the public at the public charter school’s main office and on the public charter school website.

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

The public charter school shall investigate all complaints regarding the use of physical restraint or seclusion practices according to the procedures outlined in Board policy KL - 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.

A complainant, who is a student, a parent or guardian of a student attending the school or is a person who resides in the district where the school is located, may appeal a final decision by the Board to the Deputy Superintendent of Public Instruction as provided in OAR 581-002-0040.[This appeal process is identified in administrative regulation KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction.]

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

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)
[ORS 339.250](#)
[ORS 339.285](#)
[ORS 339.288](#)
[ORS 339.291](#)

[OAR 581-021-0061](#)
[OAR 581-021-0550](#)
[OAR 581-021-0553](#)
[OAR 581-021-0556](#)
[OAR 581-021-0559](#)
[OAR 581-021-0563](#)

[OAR 581-021-0566](#)
[OAR 581-021-0568](#)
[OAR 581-021-0569](#)
[OAR 581-021-0570](#)
[OAR 581-022-2370](#)

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The Lighthouse School

Code: JGAB-AR
Adopted: MAY 1, 2019
Revised/Reviewed:

REUIRED

Use of Restraint and Seclusion

General Guidelines

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

personnel of the public charter school will immediately attempt to verbally or electronically notify a parent.

6. A Physical Restraint and/or Seclusion Incident Report form must be completed and copies provided to those attending the debriefing meeting for review and comment.
7. A documented debriefing meeting must be held within two school days after the use of physical restraint or seclusion; staff members involved in the intervention must be included in the meeting. The debriefing team shall include an administrator. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.

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

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

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

1. Parent participation in the plan is required.
2. The IEP team that develops the behavioral support plan shall include knowledgeable and trained personnel, including a behavioral specialist and a public charter school representative who is familiar with the physical restraint and seclusion training practices adopted by the public charter school.
3. Prior to the implementation of any behavioral support plan that includes physical restraint or seclusion a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan.

4. [When a behavior support plan includes physical restraint or seclusion the parents [will] [may] be provided a copy of the public charter school Use of Restraint and Seclusion policy at the time the plan is developed.]

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

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

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The Lighthouse School

Code: JGDA
Adopted: MAY 1, 2019
Revised/Reviewed:

REQUIRED

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 district¹ 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

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

Legal Reference(s):

[ORS 326.565](#)

[ORS 326.575](#)

[ORS 336.187](#)

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

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 339.252](#)

[ORS 343.177](#)

[OAR 581-015-2400](#)

[OAR 581-015-2405](#)

[OAR 581-015-2410](#)

[OAR 581-015-2415](#)

[OAR 581-015-2420](#)

[OAR 581-015-2425](#)

[OAR 581-015-2430](#)

[OAR 581-015-2435](#)

[OAR 581-015-2440](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415(k) (2017).

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).

The Lighthouse School

Code: JGDA-AR
Adopted: MAY 1, 2019
Revised/Reviewed:

REQUIRED

Discipline of Students with Disabilities**

1. Definition

- a. The district¹ applies the following definitions when considering disciplinary action:
 - (1) “Behavioral intervention plan” means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior.
 - (2) “Current educational placement” means the type of educational placement of the student as described in the student’s “annual determination of placement” document at the time of the disciplinary removal. It does not mean the specific location or school but the types of placement on the continuum of placement options.
 - (3) “Disciplinary removal” means suspension, expulsion or other removal from school for disciplinary reasons, including removals pending completion of a risk assessment. It does not include:
 - (a) Removals by other agencies;
 - (b) Removals for public health reasons (e.g., head lice, immunizations, communicable diseases, etc.);
 - (c) In-school suspensions if the student continues to have access to the general curriculum and to special education and related services as described in the student’s IEP, and continues to participate with nondisabled students to the extent they would in their current placement; or
 - (d) Bus suspensions, unless the student’s IEP includes transportation as a related service, the district makes no alternative transportation arrangements for the student, and the student does not attend school as a result of the bus suspension.
- b. “Functional behavioral assessment” means an individualized assessment of the student that results in a team hypothesis about the function of a student’s behavior and, as appropriate, recommendations for a behavior intervention plan.
- c. “Suspension” means any disciplinary removal other than expulsion.

¹ “District,” for the purpose of this administrative regulation, means the district in which the public charter school is located.

2. Disciplinary Change of Placement

- a. Disciplinary removal of a student with a disability constitutes a change in the student's educational placement when:
 - (1) The removal is for more than 10 consecutive school days; or
 - (2) The removal is for more than 10 cumulative school days and constitutes a pattern of removals.
- b. The district may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary change in placement.

3. Manifestation Determination

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

4. Disciplinary Removals for up to 10 School Days

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

5. Disciplinary Removals of More than 10 Cumulative School Days and Pattern of Removal
 - a. The district may remove students with disabilities from their current educational placement to an appropriate interim alternative educational setting, another setting or suspension for additional periods of up to 10 days in a school year, to the same extent and with the same notice as for students without disabilities, if the removals do not constitute a pattern. These removals do not constitute a change in placement.
 - b. In determining whether removals of additional periods of up to 10 school days constitute a pattern or removals, public charter and district school personnel will consider, on a case-by-case basis:
 - (1) Whether the behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals; and
 - (2) Additional factors such as the length of each removal, the total number of days of removal, and the proximity of removals to one another.
 - c. During removals of additional periods of up to 10 school days in a school year that do not constitute a pattern, the district will provide services that are necessary to enable the student to:
 - (1) Continue to participate in the general education curriculum;
 - (2) Progress toward achieving the goals in the student’s IEP; and
 - (3) The services and location for delivery of services in this section will be determined by school personnel, in consultation with at least one of the student’s teachers, or by the student’s IEP team.
 - d. The determination regarding whether a series of removal constitutes a pattern is subject to review in an expedited due process hearing.
6. Removal to an Interim Alternative Educational Setting for Not More Than 45 Days by the District under Special Education Circumstances
 - a. The district may remove a student with a disability from the student’s current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year for a drug or weapon violation, or for infliction of serious bodily injury, without regard to whether the behavior is manifestation of the student’s disability. This removal is considered a change in placement. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order such a removal.
 - b. For the purpose of determining a drug or weapon violation or serious bodily injury, the district will apply the following definitions:
 - (1) “Drug” means an illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or otherwise legally possessed. It does not include alcohol or tobacco;

- (2) “Drug violation” means the use, possession, sale or solicitation of drugs at school or a school function;
 - (3) “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.
- c. On the date that the district decides to remove a student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the resident district notifies that parent(s) of the decision and gives the parent(s) a Procedural Safeguards Notice.
 - d. Within 10 school days of any decision to remove the student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the district:
 - (1) Convenes a meeting to determine whether the behavior is a manifestation of the student’s disability; and
 - (2) Conducts, as appropriate, a functional behavior assessment, and develops a behavior intervention plan based on the functional behavior assessment that is designed to address the behavior so it does not recur.
7. Removal to an Interim Alternative Educational Setting for Not More than 45 Days by Administrative Law Judge for Injurious Behavior
 - a. The district may request an expedited due process hearing to obtain an administrative law judge’s order to remove a student to an interim alternative educational setting for not more than 45 school days if the student is exhibiting injurious behavior. For the purpose of this request, “injurious behavior” is defined as behavior that is substantially likely to result in injury to the student or to others.
 - b. The interim alternative educational setting must meet the requirements of the “Interim Alternative Educational Setting” section.
 8. Interim Alternative Educational Setting

When a student with a disability is placed in an interim alternative educational setting, the setting:

- a. Is determined by the student's IEP; and
- b. Enables the student to:
 - (1) Continue to participate in the general curriculum, although in another setting;
 - (2) Progress toward achieving the goals in the student's IEP; and
 - (3) Receive services and modifications designed to address the misconduct that led to placement in the interim alternative educational setting and to prevent the misconduct from recurring.

9. Placement Pending Appeal

If a parent disagrees with the manifestation determination or any decision about placement related to the disciplinary removal and requests a due process hearing, the student will remain in the interim alternative educational setting pending the decision of the administrative law judge, or until the end of the disciplinary removal, whichever is shorter, unless the parent and district agree to another placement pending the hearing.

10. Conduct and Outcome of a Manifestation Determination

- a. Within 10 school days of any decision to change the placement of a student with a disability for disciplinary reasons, the district convenes a manifestation determination meeting.
- b. The team that determines whether a student's behavior that led to a disciplinary removal from school was caused by, or had a substantial relationship to the student's disability or was a direct result of the district's, failure to implement the student's IEP, includes the parent(s), district representatives and other relevant members of the IEP team, as determined by the parent and district.
 - (1) The team reviews all relevant student information, including the student's IEP, teacher observations and information provided by the parent.
 - (2) The team concludes that the conduct in question is a manifestation of the student's disability if it determines the behavior was caused by, or had a substantial relationship to, the child's disability, or if it was the direct result of the district's, failure to implement the IEP.
- c. If the team determines that the district did not implement the student's IEP or identifies other deficiencies in the student's IEP or placement, the district corrects the identified deficiencies immediately.
- d. Regardless of whether the behavior was a manifestation of the student's disability, the district may remove the student to an interim alternative educational setting for weapons or drug violations or for infliction of serious bodily injury for up to 45 days.

- e. When behavior is a manifestation of disability.

If the team concludes that the behavior was a manifestation of the student's disability:

- (1) The district will not proceed with a disciplinary removal for more than 10 days.
- (2) The district conducts a functional behavioral assessment and develops a behavior plan to address the behavior that led to the disciplinary action. If the district has already conducted a functional behavioral assessment or if the student already has a behavior intervention plan regarding that behavior, the district reviews, modifies as necessary and implements the plan to address the behavior.
- (3) The district may review and revise the student's IEP and placement through normal IEP and placement processes.
- (4) The district may enter into an agreement with the parent to change the student's placement as part of the modification of the behavioral intervention plan.
- (5) If the district believes that maintaining the current placement of the child is substantially likely to result in injury to the student or to others, the district may appeal the decision of the manifestation determination team by requesting an expedited due process hearing. An administrative law judge who concludes that maintaining the current educational placement is substantially likely to result in injury to the student or to others may order a change in placement to an interim alternative educational setting for no more than 45 days.

- f. When behavior is not a manifestation of disability.

If the IEP team determines that the student's behavior is not a manifestation of the student's disability the district may proceed with disciplinary removals, in the same manner and for the same duration, as would be applied to students without disabilities. If the district takes such action, applicable to all students, the district:

- (1) Notifies the parent(s) of the decision to remove the student on the date that decision is made and gives the parents a Procedural Safeguards Notice;
- (2) Gives the parent(s) prior written notice of any proposed change in placement;
- (3) Provides services to the student in an interim alternative educational setting that is determined by the IEP team; and
- (4) Provides, as appropriate, a functional behavioral assessment, develops appropriate behavioral interventions to address the behavior and implements those interventions.

11. Protections for Students not yet Eligible for Special Education

- a. The district will follow all special education disciplinary procedures for a student who has not yet been identified as a student with a disability if the district had knowledge that the student had a disability and needed special education.

- b. The district is presumed to have such knowledge if, before the behavior that precipitated the disciplinary action occurred:
 - (1) The student's parent(s) expressed a concern in writing to supervisory or administrative school personnel, or to a teacher of the student, that the student is in need of special education and related services;
 - (2) The student's parent(s) requested a special education evaluation of the student; or
 - (3) The student's teacher or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the district's, special education director or other district supervisory personnel.
- c. The district is not presumed to have knowledge of a disability if:
 - (1) The parent has not allowed an evaluation of the student or has refused the initial provision of special education services to the student; or
 - (2) The student has been evaluated and found not eligible for special education services.
- d. If the district did not have knowledge before taking disciplinary action against the student, the district may take the same disciplinary actions as applied to students without disabilities who engaged in comparable behaviors. However:
 - (1) If a special education evaluation is requested, or if the district initiates a special education evaluation, the evaluation will be conducted in an expedited manner.
 - (2) Until the evaluation is completed, the student may remain in the educational placement determined by school personnel, which may include suspension, expulsion or placement in alternative education.
 - (3) Upon completion of the evaluation, if the student is determined to be a student with a disability, the district will conduct an IEP meeting to develop an IEP and determine placement and will provide special education and related services in accordance with the IEP.
 - (4) The district will apply the Individuals with Disabilities Education Act (IDEA) discipline protections beginning on the date of the eligibility determination.

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The Lighthouse School

Code: JHFF
Adopted: APRIL 3, 2019
Revised/Reviewed:

Required

Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct by public charter school employees, contractors or agents¹ of the public charter school will not be tolerated. All public charter school employees, contractors and agents of the public charter school are subject to this policy.

“Sexual conduct,” as defined by Oregon law, is any verbal or physical [or other] conduct by a school employee that is sexual in nature; directed toward a kindergarten through grade 12 student; unreasonably interferes with a student’s educational performance; and creates an intimidating, hostile or offensive educational environment. The definition for sexual conduct does not include behavior that would be considered child abuse as outlined by Oregon law and public charter school Board policy JHFE and JHFE-AR - Reporting of Suspected Abuse of a Child.

Any public charter school employee, contractor or agent of the public charter school [or volunteer] who has reasonable cause to believe that another public charter school employee, contractor[,] [or] agent of the public charter school [or volunteer] has engaged in sexual conduct with a student must immediately notify [his/her immediate supervisor] [the person identified by the public charter school to receive such reports].

When the public charter school receives a report of suspected sexual conduct by a public charter school employee, the public charter school may decide to place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students while conducting an investigation. When the public charter school receives a report of suspected sexual conduct by a contractor² or agent of the public charter school, the public charter school may decide to suspend services of that contractor or place the agent in a position that does not involve direct, unsupervised contact with students while conducting an investigation. An “investigation” is a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the complainant, witnesses, the public charter school employee, the contractor, the agent of the public charter school or the student who is the subject of the report. If the subject of the report is a public charter school employee[represented by a contract[or a collective bargaining agreement]], the investigation must meet any negotiated standards of an employment contract[or agreement].

¹ An “agent” is a person authorized to act on behalf of another (called the principal) to create legal relations with a third party.

² [The public charter school is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the public charter school shall notify the company and request another company employee be assigned to complete the work.]

If, following the investigation, the report is substantiated, the public charter school will inform the public charter school employee, contractor or agent of the public charter school that the report has been substantiated and provide information regarding the appeal process. [The employee may appeal the public charter school decision through the appeal process provided by the public charter school collective bargaining agreement, if applicable.] [The [employee,] contractor or agent of the public charter school may appeal the public charter school decision through an appeal process administered by a neutral third party.] [A volunteer may appeal the public charter school decision through the public charter school’s complaint procedure.] [A “substantiated report” means a report of abuse or sexual conduct that: a) an educational provider has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and b) involves conduct that the educational provider determines is sufficiently serious to be documented in the employee’s personnel file, and in the administrative file for the contractor or agent of the public charter school.]

If the public charter school employee, contractor or agent of the public charter school decides not to appeal the determination or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee’s personnel file or in the administrative file for the contractor or agent of the public charter school. The employee, contractor or agent of the public charter school will be notified that this information may be disclosed to a potential employer. The public charter school will not serve as a reference for a contractor or agent of the public charter school that has a substantiated report.

The public charter school will post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the public charter school administrator will follow upon receipt of a report. In the event that the designated person is the suspected perpetrator, the [administrator] [Board chair] shall receive the report. [If the administrator is the suspected perpetrator, the Board chair shall receive the report.] When the [administrator] [Board chair] takes action on the report, the person who initiated the report must be notified.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected sexual conduct by a public charter school employee, a contractor or an agent of the public charter school in good faith, the student will not be disciplined by the public charter school board or any public charter school employee.

The public charter school will provide annual training to public charter school employees, parents and students regarding the prevention and identification of sexual conduct. The public charter school will provide to employees, contractors or agents of the public charter school at the time of hire a description of conduct that may constitute sexual conduct and a description of records subject to disclosure if a sexual conduct report is substantiated.

Educational providers shall follow hiring and reporting procedures as outlined in ORS 339.374 for all public charter school employees.

END OF POLICY

Legal Reference(s):

[ORS 338.115\(x\)](#)
[ORS 339.370 - 339.400](#)

[ORS 418.746 - 418.751](#)
[ORS 419B.005 - 419B.045](#)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2012).

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