

MITCH Charter School

Table of Contents

Section J: Students

FIRST HALF

Equal Educational Opportunity**	JB
Sexual Harassment	JBA/GBN
Sexual Harassment Complaint Procedure	JBA/GBN-AR(1)
Federal Law (Title IX) Sexual Harassment Complaint Procedure.....	JBA/GBN-AR(2)
Section 504 – Students**	JBAA
Educational Equity	JBB
Compulsory Attendance**	JEA
Staff/Student/Parent Relations**	JECAC/GBH
Student Absences and Excuses**	JED
Truancy.....	JEDA
Student Rights and Responsibilities**	JF/JFA
Student Conduct**	JFC
Personal Electronic Devices and Social Media**	JFCEB
Harassment, Intimidation, Bullying, or Cyberbullying – Student**	JFCF
Harassment, Intimidation, Bullying, or Cyberbullying	
Reporting Procedures – Student	JFCF-AR
Use of Tobacco Products, Alcohol, Drugs or Inhalant Delivery Systems**	JFCG/JFCH/JFCI
Weapons in School**	JFCJ
Threats of Violence**	JFCM
Student Searches**	JFG
Student Searches**	JFG-AR
Student Discipline**	JG
Corporal Punishment**	JGA
Use of Restraint or Seclusion**	JGAB
Use of Restraint or Seclusion	JGAB-AR

SECOND HALF

Suspension**	JGD
Discipline of Students with Disabilities**	JGDA
Discipline of Students with Disabilities**	JGDA-AR
Expulsion**	JGE
Student Health Services and Requirements**	JHC
Immunization, Vision Screening/Eye Examination and Dental Screening**	JHCA
Communicable Diseases - Students.....	JHCC
Communicable Diseases – Student**	JHCC-AR
Students - HIV, HBV and AIDS**	JHCCA
Pediculosis (Head Lice).....	JHCCF
Pediculosis (Head Lice).....	JHCCF
Pediculosis (Head Lice).....	JHCCF
Pediculosis (Head Lice).....	JHCCF-AR

Medications**/*	JHCD/JHCDA
Medications**/*	JHCD/JHCDA-AR
Mental Health Screening Exemptions**	JHDB
Student Safety.....	JHF
Suspected Abuse of a Child Reporting Requirements**	JHFE/GBNAB
Reporting Suspected Abuse of a Child.....	JHFE/GBNAB-AR(1)
Abuse of a Child Investigations Conducted on School Premises.....	JHFE/GBNAB-AR(2)
Suspected Sexual Conduct with Students and Reporting Requirements *	JHFF/GBNAA
Suspected Sexual Conduct Report Procedures and Forms *	JHFF/GBNAA-AR
Trauma Informed Schools	JHHB
Student Fees, Fines and Charges**	JN
Education Records/Records of Students with Disabilities**	JO/IGBAB
Education Records/Records of Students with Disabilities Management	JO/IGBAB-AR
Directory Information**	JOA
Personally Identifiable Information**	JOB
Legal Names of Students.....	JOC

The following symbols are used on some sample policies:

- * May be subject to collective bargaining.
- ** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.
- [] Brackets occur in sample policies to indicate the need for districts to select or tailor information specific to their particular situations.

MITCH Charter School

Code: JB

Adopted:

Equal Educational Opportunity**

Every student of the public charter school will be given equal educational opportunities regardless of age, sex, sexual orientation, gender identity, race¹, religion, color, national origin, disability, parental status, familial status, marital status, linguistic background, culture, socioeconomic status, capability or geographic location.

The public charter school may not limit student enrollment based on ethnicity, national origin, race, religion, sex, sexual orientation, gender identity, disability, income level, proficiency in English language, the terms of an individualized education program (IEP) or athletic ability, except as authorized under Oregon law. The public charter school may limit admission to students within a given grade level. The public charter school must select students through an equitable lottery selection process if the number of student applicants exceeds the capacity of a program, class, grade level or building. The public charter school may implement a weighted lottery that favors historically underserved students in accordance with ORS 338.125². The school may give priority for admission to students in accordance with ORS 338.125.

No student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the public charter school or denied access to facilities in the school.

A student or parent may also access and use the public charter school's general complaint procedure through Board policy KL - Public Complaints.

All reports, complaints or information will be investigated.

The public charter school will communicate the availability of policy and available complaint procedures to students and their parents through available school's communication systems, handbooks and made available at the school office during regular business hours or published on the school's website.

A student of the public charter school may not be subjected to retaliation by the public charter school for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 192.630](#)

[ORS 326.051](#)
[ORS 329.025](#)

[ORS 336.086](#)
[ORS 338.125](#)

¹ Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

² As amended by House Bill 2954 (2021).

[ORS 659.850](#)
[ORS 659.852](#)
[ORS 659A.001](#)
[ORS 659A.003](#)
[ORS 659A.006](#)

[ORS 659A.103 - 659A.145](#)
[ORS 659A.400](#)
[ORS 659A.403](#)
[ORS 659A.406](#)
[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 (2018); 28 C.F.R. §§ 42.101-42.106 (2019).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12333 (2018).
House Bill 2935 (2021).
House Bill 2954 (2021).
House Bill 3041 (2021).

Corrected 5/09/23

MITCH Charter School

Code: JBA

Adopted:

Section 504 – Students**

The public charter school recognizes its responsibility to provide a free appropriate public education to students with disabilities under Section 504 of the Rehabilitation Act of 1973. Accordingly, no otherwise qualified individual with disabilities shall, solely by reason of their disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public charter school program or activity or those provided by the public charter school through contractual or other arrangements. Public charter school aids, benefits and services will afford qualified students with disabilities equal opportunity to obtain the same result, gain the same benefit or reach the same level of achievement as students without disabilities in the most integrated setting appropriate to the student's needs. Programs and activities shall be accessible to and usable by individuals with disabilities as prescribed by law.

A qualified individual with disabilities under Section 504 is an individual who has a physical or mental impairment¹ that substantially limits one or more major life activities²; has a record of such an impairment; or is regarded as having such an impairment.

In compliance with the provisions of Section 504, the public charter school will:

1. Provide written assurance of nondiscrimination in accordance with application procedures whenever the public charter school receives federal money;
2. Designate an employee to coordinate compliance with Section 504;
3. Provide procedures to resolve complaints of discrimination under Section 504;
4. Provide notice to students, parents, employees, including those with vision or hearing impairments, of the public charter school's policy and compliance with law assuring nondiscrimination in admission or access to, or treatment, in public charter school programs, activities or employment. Notice will be included in student/parent and staff handbooks and other materials as appropriate;

¹ Impairments which may substantially limit major life activities, and without regard for the ameliorative effects of medication or aids/devices include, but are not limited to, chronic asthma and severe allergies, blindness or visual impairment, cancer, diabetes, deafness or hearing impairment, heart disease, mental illness and conditions which may be episodic or in remission.

² "Major life activities," as defined by the Americans with Disabilities Act Amendments Act of 2008, includes caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating; and major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

5. Annually identify and locate all students in the public charter school, with disabilities, who qualify for Section 504 but who are not receiving a free appropriate public education (FAPE)³;
6. Ensure that tests and other evaluation materials have been validated, are administered by trained personnel, are tailored to assess educational need and are not based on IQ scores, and reflect what the tests purport to measure;
7. Provide nonacademic and extracurricular services⁴ and activities in such a manner as to afford students with disabilities an equal opportunity for participation in such services and activities;
8. Annually notify students with disabilities and their parents or guardians of the public charter school's responsibilities under Section 504, including those with limited proficiency in English and those with vision or hearing impairments;
9. Provide parents or guardians with procedural safeguards, including notification of their right:
 - a. To be notified in writing of any decisions made by the public charter school concerning the identification, evaluation or educational placement of their student pursuant to Section 504. The public charter school will request parental consent prior to conducting an evaluation of the student;
 - b. To examine, copy and request amendments of the student's educational records;
 - c. To request an impartial hearing, with opportunity for participation by the student's parents or guardian and representation by counsel regarding public charter school decisions concerning identification, evaluation or educational placement of their student. A review procedure will be provided.

Students identified as qualified individuals with disabilities under Section 504 shall be placed in the regular educational environment unless it is demonstrated by the public charter school that the education of the student with the use of related aids and services in such a placement cannot be achieved satisfactorily. All placement decisions will be made by an evaluation team comprised of persons designated by the executive director, knowledgeable about the student, the meaning of the evaluation data and placement options.

Students will be reevaluated periodically, but no less than every three years. Additionally, before implementing discipline that constitutes a significant change in the placement (i.e., expulsion, serial suspensions which exceed 10 school days in a school year, a series of suspensions each of which is 10 or fewer school days in duration but that creates a pattern of exclusion), the public charter school shall conduct a reevaluation of the student to determine whether the misconduct in question is caused by the student's disability and, if so, whether the student's current educational placement is appropriate.

³ "Appropriate education" (34 C.F.R. § 104.33) means the provision of regular or special education and related aids and services that are designed to meet the student's individual educational needs as adequately as the needs of persons without disabilities are met and are based upon adherence to appropriate procedural requirements of 34 C.F.R. §§ 104.34, 104.35 and 104.36 concerning educational setting, evaluation and placement and procedural safeguards.

⁴ Nonacademic and extracurricular services and activities may include, but are not limited to, counseling services, transportation, health services, athletics, intramurals, clubs or organization activities, referrals to agencies which provide assistance to persons with disabilities and employment of students, including both employment by the public charter school and assistance by the public charter school in making available outside employment.

If it is determined that the misconduct of the student is caused by the disability, the district's team, in which the public charter school is located, will continue the evaluation following the requirements of Section 504 and the Americans with Disabilities Act of 1990, and Americans with Disabilities Act Amendments Act of 2008 (ADA) for evaluation and placement to determine whether the student's current educational placement is appropriate. Due process procedures that meet the requirements of the Individuals with Disabilities Education Act (IDEA) may be used to meet the procedural safeguards of law. If it is determined that the misconduct is not caused by the student's disability, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities.

A student identified as a qualified individual with disabilities under Section 504, who is also covered by the IDEA, will be disciplined in accordance with Board policy JGDA - Discipline of Students with Disabilities and accompanying administrative regulation.

A reevaluation will also be required before any other significant change in placement (i.e., transferring a student to alternative education, graduation from high school, significantly changing the composition of the student's class schedule, such as from regular education to the resource room, etc.).

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)

[ORS 326.051\(1\)\(e\)](#)

[ORS 338.115\(1\)\(a\)](#)

[ORS 659.850](#)

[ORS 659.865](#)

[ORS 659A.103](#)

[ORS 659A.109](#)

[OAR 581-015-2030](#)

[OAR 581-015-2390](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)

[OAR 581-021-0049](#)

[OAR 581-022-2310](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

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

Americans with Disabilities Amendments Act of 2008.

Nondiscrimination on the Basis of Handicap in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 104 (2017).

Corrected 5/09/23

MITCH Charter School

Code: JBB
Adopted:

Educational Equity

The public charter school is committed to the success of every student. For that success to occur, the public charter school is committed to equity by recognizing institutional barriers and creating access and opportunities that benefit each student. “Achieving educational equity” means students’ identities will not predict or predetermine their success in school.

Educational equity is based on the principles of fairness and justice in allocating resources, opportunity, treatment and creating success for each student.

Educational equity promotes the real possibility of equality of educational results for each student and between diverse groups of students. Equity strategies are intentional, systemic and focused on the core of the teaching and learning process.

To achieve educational equity, the public charter school will commit to:

1. Systematically using schoolwide data disaggregated by race/ethnicity, national origin, language, special education, sex, non-binary, socioeconomic status and mobility to inform public charter school decision making.
2. Raising the achievement of all students while narrowing the gap between the lowest and the highest performing students.
3. Eliminating the predictability and disparity in all aspects of education and its administration, including but not limited to, the disproportionate representation of students by race, poverty, sex, sexual orientation, gender identity, and national origin in discipline, special education and in various advanced learning.

In order to achieve educational equity for each and every student:

1. The public charter school shall provide every student with equitable access to high quality curriculum, support, facilities and other educational resources, even when this means differentiating resource allocation.
2. The public charter school shall review existing policies, programs, professional development and procedures for the promotion of educational equity, and all applicable new policies, programs and procedures will be developed with educational equity as a priority.
3. The public charter school shall actively work toward a balanced teacher and executive director workforce to reflect the diversity of the student body. The public charter school seeks to recruit, employ, support and retain a workforce that includes racial, gender and linguistic diversity, as well as culturally and linguistically responsive administrative, instructional and support personnel.

4. The public charter school shall provide professional development to strengthen employees' knowledge and skills for eliminating opportunity gaps and other disparities in achievement.
5. The public charter school shall create a welcoming, inclusive culture and environment that reflects and supports diversity of the student population, their families and their community.
6. The public charter school shall include partners who have demonstrated culturally specific expertise, including but not limited to, families, government agencies, institutions of higher learning, early childhood education organizations, community-based organizations, local businesses and the community in general, in meeting our high goals for educational outcomes. The public charter school shall seek to involve students, staff, families and community members that reflect public charter school demographics to inform decisions regarding the narrowing of the achievement and other opportunity gaps.
7. The public charter school shall provide multiple pathways to success in order to meet the needs of the diverse student body and shall actively encourage, support and expect high academic achievement for each student.
8. The public charter school shall provide materials and assessments that reflect the diversity of students and staff and are geared toward the understanding and appreciation of [culture, class, language, ethnicity, poverty, ability and other differences that contribute to]the uniqueness of each student and staff member.

The executive director shall include equity practices in the public charter school's strategic plan strategies to implement this policy. The executive director will report to the Board the progress of the strategic plan.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 332.075](#)

[ORS 338.115](#)
[ORS 342.437 - 342.449](#)

House Bill 3041 (2021).

Corrected 5/09/23

MITCH Charter School

Code: JEA

Adopted:

Compulsory Attendance**

Except when exempt by Oregon law, all children between ages 6 and 18 who have not completed the 12th grade are required to regularly attend a public, full-time school during the entire school term. Persons having legal control of a child between the ages 6 and 18, who has not completed the 12th grade, are required to have the child attend and maintain the child in regular attendance during the entire school term.

All children five years of age who have been enrolled in a public school are required to attend regularly while enrolled in the public school. Persons having legal control of a child, who is five years of age and has enrolled the child in a public school, are required to have the child attend and maintain the child in regular attendance during the school term.

Attendance supervisors shall monitor and report any violation of the compulsory attendance law to the executive director or designee. The executive director will notify the charter school liaison of the sponsoring district when a student is considered truant.

A parent who is not supervising their child by requiring school attendance may also be in violation of Oregon Revised Statute (ORS) 163.577(1)(c); failing to supervise a child is a Class A violation.

Exemptions from Compulsory School Attendance

In the following cases, children (grades K-5) shall not be required to attend public, full-time schools:

1. Children being taught in a private or parochial school in courses of study usually taught in kindergarten through grade 12 in the public schools, and in attendance for a period equivalent to that required of students attending public schools.
2. Children proving to the Board's satisfaction that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.
3. Children who have received a high school diploma or a modified diploma.
4. Children being taught, by a private teacher, the courses of study usually taught in kindergarten through grade 12 in the public school for a period equivalent to that required of students attending public schools.
5. Students being educated in the home by a parent or guardian or private teacher.
6. Children whose sixth birthday occurred on or before September 1 immediately preceding the beginning of the current school year, if the parent or guardian notified the child's resident district in writing that the parent or guardian is delaying the enrollment of their child for one school year to better meet the child's needs for cognitive, social or physical development, as determined by the parent or guardian.

7. Children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.
8. Children excluded from attendance as provided by law.
9. Children who are eligible military children¹ are exempt up to 10 days after the date of military transfer or pending transfer indicated in the official military order.

END OF POLICY

Legal Reference(s):

[ORS 153.018](#)
[ORS 163.577](#)
[ORS 338.115\(2\)](#)
[ORS 339.010 - 339.095](#)
[ORS 339.139](#)

[ORS 339.990](#)
[ORS 807.065](#)
[ORS 807.066](#)

[OAR 581-021-0026](#)

[OAR 581-021-0029](#)
[OAR 581-021-0076](#)
[OAR 581-021-0077](#)

Corrected 5/09/23

¹ “Military child” means a child who is in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education.

MITCH Charter School

Code: JED

Adopted:

Student Absences and Excuses**

It is the student's responsibility to maintain regular attendance in all assigned classes. A student's absence from school or class will be excused under the following circumstances:

1. Illness, including mental and behavioral health of the student;
2. Illness of an immediate family member when the student's presence at home is necessary;
3. Emergency situations that require the student's absence;
4. Student is a dependent of a member of the U.S. Armed Forces¹ who is on active duty or who is called to active duty. The student may be excused for up to seven days during the school year;
5. Field trips and school-approved activities;
6. Medical (dental) appointments. Confirmation of appointments may be required;
7. Other reasons deemed appropriate by the executive director when satisfactory arrangements have been made in advance of the absence.

The public charter school shall notify a parent or guardian by the end of the school day if their child has an unplanned absence. The notification will be either in person, by telephone or another method identified in writing by the parent or guardian. If the parent or guardian cannot be notified by the above methods, a message shall be left, if possible.

END OF POLICY

Legal Reference(s):

[ORS 109.056](#)
[ORS 338.115\(2\)](#)
[ORS 339.030](#)
[ORS 339.055](#)

[ORS 339.065](#)
[ORS 339.071](#)
[ORS 339.250](#)
[ORS 339.420](#)

[OAR 581-021-0046](#)
[OAR 581-021-0050](#)
[OAR 581-023-0006\(11\)](#)

Corrected 5/09/23

¹ U.S. Armed Forces includes the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; reserve components of the Army, Navy, Air Force, Marines Corps and Coast Guard of the United States; and the National Guard of the United States and the Oregon National Guard.

MITCH Charter School

Code: JEDA
Adopted:

Truancy

“Truancy” is defined as absence from school without permission.

The public charter school believes irregular attendance is one of the factors associated with student failure and frustration with the school experience. A fundamental purpose for insisting on punctual, regular school attendance is to help each student develop habits of responsibility.

With these beliefs in mind, the public charter school will develop procedures that foster a partnership with parents in the early detection of truancy, related counseling and appropriate consequences¹.

END OF POLICY

Legal Reference(s):

[ORS 338.115\(2\)](#)
[ORS 339.040 to -339.090](#)

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

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

Corrected 5/09/23

¹ Expulsion may not be used to address truancy. (ORS 339.250(2)(b)(B))

MITCH Charter School

Code: JF/JFA

Adopted:

Student Rights and Responsibilities**

The Board has the responsibility to afford students the rights that are theirs by virtue of guarantees offered under federal and state constitutions and statutes. In connection with these rights are responsibilities that must be assumed by students.

Among these student rights and responsibilities are the following:

1. Civil rights — including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others;
2. Once admitted, the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school;
3. The right to due process of law with respect to suspension, expulsion and decisions which the student believes injure their rights;
4. The right to free inquiry and expression; the responsibility to observe reasonable rules regarding these rights;
5. The right to privacy, which includes privacy with respect to the student's education records.

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.061](#)

[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).

Corrected 5/09/23

MITCH Charter School

Code: JFC

Adopted:

Student Conduct**

The public charter school board expects student conduct to contribute to a productive learning climate. Students shall comply with the public charter school's written rules, pursue the prescribed course of study, submit to the lawful authority of public charter school staff and conduct themselves in an orderly manner at the public charter school during the school day or during public charter school-sponsored activities.

Careful attention shall be given to procedures and methods whereby fairness and consistency without bias in discipline shall be assured each student. The objectives of disciplining any student must be to help the student develop a positive attitude toward self-discipline, realize the responsibility of one's actions and maintain a productive learning environment. All staff members have responsibility for consistency in establishing and maintaining an appropriate behavioral atmosphere.

A family handbook, code of conduct or other document shall be developed by the public charter school administration, in cooperation with staff, and will be made available and distributed to parents, students and employees outlining student conduct expectations and possible disciplinary actions, including consequences for disorderly conduct. In addition, the public charter school shall publish a student/parent handbook detailing additional rules specific to that school.

Students in violation of public charter school board policy, administrative regulation and/or code of conduct provisions will be subject to discipline up to and including expulsion. Students are subject to discipline for conduct while traveling to and from school, at the bus stop, at school-sponsored events, while at other schools in the district and while off campus, whenever such conduct causes a substantial and material disruption of the educational environment or the invasion of rights of others. Students may be denied participation in extracurricular activities. Titles and/or privileges available to, or granted to, students may also be denied and/or revoked. A referral to law enforcement may also be made.

Students are prohibited from making knowingly false statements or knowingly submitting false information in bad faith as part of a complaint or report, or associated with an investigation into misconduct.¹

END OF POLICY

Legal Reference(s):

[ORS 338.115](#)
[ORS 659.850](#)

[OAR 581-021-0060\(2\)](#)
[OAR 581-021-0061](#)

¹ The public charter school is prohibited from retaliating against any student "for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation." ORS 659.852.

Nondiscrimination on the Bases of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Tinker v. Des Moines Sch. Dist., 393 U.S. 503 (1969).
Hazelwood Sch. District v. Kuhlmeier, 484 U.S. 260 (1988).
Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).
Shorb v. Grotting and Powers Sch. Dist., Case No. 00CV-0255 (Coos County Circuit Ct.) (2000).
Ferguson v. Phoenix Talent Sch. Dist. #4, 172 Or. App. 389 (2001).
Morse v. Frederick, 551 U.S. 393, 127 S. Ct. 2618 (2007).
C.R. v. Eugene S.D. 4J, No. 12-1042, U.S. District Court of OR (2013).

Corrected 5/09/23

MITCH Charter School

Code: JFCEB

Adopted:

Personal Electronic Devices and Social Media**

Student possession or use of personal electronic devices on public charter school property, in public charter school facilities during the school day and while the student is in attendance at public charter school-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the principal and approved by the executive director.

A “personal electronic device (PED)” is a device that is capable of electronically communicating, sending, receiving, storing, recording, reproducing and/or displaying information and data.

“Independent communication” means communication that does not require assistance or interpretation by an individual who is not part of the communication but that may require the use or assistance of an electronic device.

Personal electronic devices shall be turned off and stored in a student’s backpack or other teacher-approved storage during the school day or at any other time where such use of the device would cause a disruption of school activities. Devices which have the capability to take photographs or record video or audio shall not be used for such purposes while on public charter school property or while a student is engaged in public charter school-sponsored activities, unless as expressly authorized in advance by the principal or designee. Computers, tablets, iPads or similar devices brought to school will be restricted to academic activities and independent communications.

If the public charter school implements a curriculum that uses technology, students may be allowed to use their own personal electronic devices to access the curriculum. Students who are allowed to use their own devices to access the curriculum will be granted access to any application or electronic materials when they are available to students who do not use their own devices, or provided free of charge to students who do not use their own devices, for curriculum.

A process for responding to a student’s request to use a personal electronic device, including an appeal process if the request is denied, will be provided.

The public charter school will not be liable for personal electronic devices brought to public charter school property and public charter school-sponsored activities.

Students may not use public charter school equipment to access social media websites while on public charter school property or at public charter school-sponsored activities unless the access is approved by a public charter school representative. The public charter school will not be liable for information or comments posted by students on social media websites.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with prior principal or designee approval or when use is provided for in a student’s individualized education program (IEP).

Students are subject to disciplinary action up to and including expulsion for using a personal electronic device in any manner that is academically dishonest, illegal or violates the terms of this policy¹. A referral to law enforcement officials may also be made. Personal electronic devices brought to public charter school property or used in violation of this policy are subject to confiscation and will be released to the student's parent or property owner, as appropriate.

The executive director shall ensure that the Board's policy and any subsequent school rules developed by building administrators are reviewed and approved in advance to ensure consistency with this policy and that pertinent provisions of policy and school rules are communicated to staff, students and parents through building handbooks and other means.

END OF POLICY

Legal Reference(s):

[ORS 336.840](#)

[ORS 338.115](#)

Copyrights, 17 U.S.C. §§ 101-1332; 19 C.F.R. Part 133 (2012).

Corrected 5/09/23

¹ The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs will be reported to law enforcement and/or other appropriate state or federal agencies.

MITCH Charter School

Code: JFCF

Adopted:

Harassment, Intimidation, Bullying or Cyberbullying – Student** (Grades K through 5)

The Board, in its commitment to providing a safe, positive, and productive learning environment for all students, will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy compliance with applicable Oregon law.

Harassment, intimidation or bullying, and acts of cyberbullying by students, staff, and third parties toward students is strictly prohibited in the public charter school. Each student has the right to a safe learning environment.

Retaliation against a victim, any person who reports, is thought to have reported, or files a complaint about an act of harassment, intimidation or bullying, or an act of cyberbullying, or otherwise participates in an investigation or inquiry is strictly prohibited. A person who engages in retaliatory behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in consequences and appropriate remedial action.

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial actions which may include discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

Students, staff, or third parties may also be referred to law enforcement officials.

The executive director is responsible for ensuring that this policy is implemented.

Definitions

“Public charter school” includes public charter school facilities, public charter school premises, and non-public charter school property if the student is at any public charter school-sponsored, public charter school-approved, or public charter school-related activity or function, such as field trips or athletic events where students are under the jurisdiction of the public charter school.

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

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

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

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

“Cyberbullying” is the use of any electronic communication device to harass, intimidate or bully.

“Retaliation” means any acts of, including but not limited to, harassment, intimidation or bullying, or cyberbullying toward a person in response to an actual or apparent reporting of, or participation in the investigation of, harassment, intimidation or bullying, acts of cyberbullying, or retaliation.

Reporting

A report or complaint about conduct prohibited by this policy may be reported to the executive director, vice principal or the school counselor. If the school counselor or vice principal receives a report they will refer it to the executive director.

The executive director will take reports and conduct a prompt investigation of any report of an act of harassment, intimidation or bullying, or cyberbullying.

Failure of an employee to report an act of harassment, intimidation or bullying, or an act of cyberbullying to the designated school officials may subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

Any student who has knowledge of conduct in violation of this policy or feels they have been harassed, intimidated or bullied, or subject to acts of being cyberbullied in violation of this policy, is encouraged to immediately report concerns to the executive director who has overall responsibility for all investigations, or to the vice principal, school counselor or a teacher. A school staff member who receives such report shall immediately refer the report to the executive director or vice principal. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report concerns to the executive director, vice principal, school counselor or a teacher. A report made by a student or volunteer may be made anonymously.

Reports against the executive director shall be filed with the Board chair.

The person who makes the report shall be notified when the investigation has been completed and, as appropriate, the findings of the investigation and any remedial action that has been taken. The person who made the report may request that the executive director review the actions taken in the initial investigation, in accordance with administrative regulations.

Notification to Parents or Guardians

The executive director or designee shall notify the parents or guardians of a student who was subject to an act of harassment, intimidation, bullying or cyberbullying, and the parents or guardians of a student who may have conducted an act of harassment, intimidation, bullying or cyberbullying.

The notification must occur with involvement and consideration of the needs and concerns of the student who was the subject to an act of harassment, intimidation, bullying or cyberbullying. The notification is not required if the executive director or designee reasonably believes notification could endanger the student who was subjected to an act of harassment, intimidation, bullying or cyberbullying or if all of the following occur:

1. The student who was subjected to an act of harassment, intimidation, bully, or cyberbullying requests that notification not be provided to the student's parents or guardians.
2. The executive director or designee determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying; and
3. The executive director or designee informs the student that federal law may require the student's parents and guardians to have access to the student's education record.

If the executive director or designee determines the notification is not in the best interest of the student, they must inform the student of that determination prior to providing notification.

When notification is provided, the notification must occur:

1. Within a reasonable period of time; or
2. Promptly, for acts that caused physical harm to the student.

Training and Education

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

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

Notice

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

END OF POLICY

Legal Reference(s):

[ORS 166.065](#)

[ORS 166.155](#) - 166.165

[ORS 174.100](#)

[ORS 332.072](#)

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 339.351](#) - 339.366

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)

[OAR 581-021-0055](#)

[OAR 581-022-2310](#)

[OAR 581-022-2370](#)

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

House Bill 2631 (2021).

House Bill 3041 (2021).

MITCH Charter School

Code: JFCF-AR

Revised/Reviewed:

Harassment, Intimidation, Bullying, or Cyberbullying Reporting Procedures – Student

The executive director has responsibility for investigations concerning acts of harassment, intimidation or bullying, or acts of cyberbullying. The investigator(s) shall be a neutral party having had no involvement in the report presented.

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

- Step 1 Any reports or information on acts of harassment, intimidation or bullying, or acts of cyberbullying, (e.g., complaints, rumors) shall be presented to the executive director, vice principal, school counselor or a teacher. Reports against a principal will be reported to the executive director. Reports against the executive director shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The school official or staff member receiving the report shall promptly report it to the executive director or vice principal (if applicable) for investigation. Parents will be notified of the nature of any report involving their student. The executive director will arrange such meetings as may be necessary with all concerned parties within 15 school days after receipt of the information or report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The public charter school official(s) conducting the investigation shall notify the person making the report within 10 school days of receipt of the information or report, and parents as appropriate, in writing when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- Step 3 If the person making the report is not satisfied with the decision at Step 2, they may submit a written appeal to the Board. Such appeal must be filed within five school days after receipt of the Step 2 decision. The Board shall conduct a hearing at which time the person making the report shall be given an opportunity to present the report. The Board shall provide a written decision to the person making the report within 30 days following receipt of the appeal.

Reports against the executive director may start at step 3 and should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide in open session what action, if any, is warranted. The decision of the Board will be issued within 30 days of receipt of the complaint.

Direct complaints of discriminatory harassment related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 Second Ave., Room 3310, Seattle, WA 98174-1099.

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

Corrected 5/09/23

MITCH Charter School

Code: JFCG/JFCH/JFCI

Adopted:

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

Student possession, use, distribution or sale of tobacco products, inhalant delivery systems, alcohol or unlawful drugs, including drug paraphernalia or any substance purported to be an unlawful drug, on or near any public charter school grounds, including parking lots, or while participating in public charter school-sponsored activities is prohibited and will result in disciplinary action. If possession, use, distribution or sale occurred near public charter school grounds, disciplinary action may include removal from any or all extracurricular activities and/or denial or forfeiture of any school honors or privileges. If possession, use, distribution or sale occurred on public charter school grounds, at public charter school-sponsored activities or otherwise while the student was under the jurisdiction of the public charter school, students will be subject to discipline up to and including expulsion. Denial and/or removal from any or all extracurricular activities and/or forfeiture of any school honors or privileges may also be imposed. A student may be referred to law enforcement officials. Parents will be notified of all violations involving their student and subsequent action taken by the school.

For the purpose of this policy, “tobacco products” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

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

A referral to community resources and/or cessation programs designed to help the student overcome tobacco product, inhalant delivery system, alcohol or unlawful drug use may also be made. The cost of such programs are the individual responsibility of the parent and the private health-care system.

Clothing, bags, hats and other personal items used to display, promote or advertise tobacco products, inhalant delivery systems, alcohol or unlawful drugs are prohibited on all public charter school grounds, including parking lots, at public charter school-sponsored activities and in public charter school vehicles.

Any person under age 21 possessing a tobacco product or inhalant delivery system on public charter school property, in a school facility or while attending a school-sponsored activity is in violation of state law.

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.

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 339.250	OAR 581-022-2045
ORS 161.605	ORS 339.883	OAR 581-053-0230(9)(s)
ORS 161.625	ORS 431A.175	OAR 581-053-0330(1)(m)-(o)
ORS 163.575	ORS 431A.178	OAR 581-053-0430(12)-(14)
ORS 336.067	ORS 433.835 to -433.990	OAR 581-053-0531(11)-(13)
ORS 336.222	ORS Chapter 475	OAR 581-053-0630
ORS 336.227		OAR 584-020-0040
ORS 338.115(a)(w)	OAR 581-021-0050 to -0075	
ORS 339.240	OAR 581-021-0110	SB 754 (2017)

Controlled Substances Act, 21 U.S.C. § 812 (2012); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2017).
Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

Corrected 5/09/23

MITCH Charter School

Code: JFCJ

Adopted:

Weapons in School**

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

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

The executive director may authorize other persons to possess weapons for courses, programs and activities approved by the public charter school and conducted on school property including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports. The school will post a notice at any site or premise off school grounds that at the time is being used exclusively for a school program or activity. The notice shall identify the public charter school as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under Oregon Revised Statute (ORS) 166.370.

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

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

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

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

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

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

The executive director shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations for firearms or destructive devices have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device.

Parents will be notified of all conduct by their student that violates this policy.

Employees shall promptly report all other conduct prohibited by this policy to the executive director.

Students determined to have brought, possessed, concealed or used a firearm, as defined in policy, in violation of this policy or state law shall be expelled from school for a period of not less than one year. All other violations of the policy will result in discipline and may include expulsion and/or referral to law enforcement, as appropriate. The executive director may, on a case-by-case basis, modify this expulsion requirement. The executive director will notify the superintendent or designee of a student's resident district of such expulsion from the public charter school. Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Students with disabilities shall be disciplined in accordance with federal law and Board policy JGDA - Discipline of Students with Disabilities, and accompanying administrative regulation.

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

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)
[ORS 166.210 - 166.370](#)
[ORS 166.382](#)
[ORS 338.115](#)
[ORS 339.115](#)

[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.315](#)

[OAR 581-021-0050 – 021-0075](#)

[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\(16\)](#)

Gun-Free School Zones Act, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2018).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2018).
Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2018).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101, 7111-7121 (2018).

Corrected 5/09/23

MITCH Charter School

Code: JFCM

Adopted:

Threats of Violence**

The Board is committed to promoting healthy relationships and a safe learning environment. To this end, student threats of harm to self or others, threatening behavior or acts of violence, including threats to severely damage public charter school property, shall not be tolerated on any public charter school property or at activities under the jurisdiction of the public charter school.

Students shall be instructed of the responsibility to inform a teacher, counselor, vice principal or executive director regarding any information or knowledge relevant to conduct prohibited by this policy. Parents and others will be encouraged to report such information to the public charter school. Staff shall immediately notify the executive director of any threat, threatening behavior or act of violence the staff member has knowledge of, has witnessed or received. All reports will be promptly investigated.

Students found in violation of this policy shall be subject to discipline up to and including expulsion. The executive director shall notify the parent or guardian of any student in violation of this policy and the disciplinary action imposed. A referral to law enforcement shall be made for any infraction involving a student bringing, possessing, concealing or using a weapon or destructive device as prohibited by state and federal law and public charter school board policy.

The public charter school shall enforce this policy consistently, fairly and without bias against any student, including a student from a protected class as defined in Oregon Revised Statute 659.850.

The executive director/principal or vice principal shall, in determining appropriate disciplinary action, consider:

1. Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage public charter school property;
2. Placing the student in a setting where the behavior will receive immediate attention from an executive director, counselor, licensed mental health professional or others;
3. Requiring the student to be evaluated by a licensed mental health professional before allowing the student to return to the classroom setting¹.

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 sponsoring district of the school.

¹ A student removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period.

The executive director/principal or vice principal shall attempt to notify:

1. The parent or guardian of a student, when the student’s name appears on a targeted list at school that threatens violence or harm to the students on the list, or when threats of violence or harm to the student are made by another student at school;
2. Any school employee whose name appears on a targeted list at school threatening violence or harm to the public charter school employee and when threats of violence or harm are made by a student or others at school.

The executive director/principal or vice principal shall attempt to notify the above persons by telephone or in person promptly and within 12 hours of discovery of a targeted list or learning of a threat. Regardless, the executive director shall issue a written follow-up notification within 24 hours of discovery of a targeted list or learning of a threat.

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

The public charter school or person participating in good faith in making the notification required by ORS 339.327 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the notification.

As a part of the public charter school’s proactive safety efforts, the public charter school executive director may plan staff development activities designed to alert staff to early warning signs of possible violent behavior. Students so identified may 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 - 166.370](#)
[ORS 338.115](#)
[ORS 339.115](#)
[ORS 339.240](#)

[ORS 339.250](#)
[ORS 339.327](#)

[OAR 581-021-0050 - 021-0075](#)
[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) (2018).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2018).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).

Corrected 5/09/23

MITCH Charter School

Code: JFG
Adopted:

Student Searches**

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

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 338.115](#)

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

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

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

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

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

Corrected 5/09/23

MITCH Charter School

Code: JFG-AR

Revised/Reviewed:

Student Searches**

1. Definitions

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

2. Routine Inspection of Public Charter School Property Assigned to Students

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

3. Voluntary Consent

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

4. Search Procedures

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

5. Other Searches¹

- a. Metal detectors, including walk-through and hand-held devices, may be used when the Board determines that there is a need for such detectors based upon reasonable information of a history of:

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

- (1) Weapons or dangerous objects found at school, on public charter school property, at a school function or in the vicinity of the school; or
- (2) Incidents of violence involving weapons at a school, on public charter school property, at a school function or in the vicinity of the school.

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

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

After such need has been determined, drug-detection dogs may be used to sniff out contraband in public charter school-owned storage areas.

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

- c. Body fluid searches of students for the presence of alcohol or drugs are prohibited by the public charter school.
- d. The public charter school may deploy breathalyzer devices at extracurricular events and activities. Students may be subject to testing procedures as a prerequisite to attending the event/activity. If a student refuses testing, the student will be detained and parents will be contacted to come and take the student home.

6. Discipline

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

7. Documentation

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

8. Notice

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

9. Cooperation with Law Enforcement Officials

- a. Administrators will meet with law enforcement officials annually to review:
 - (1) Official contact protocols;
 - (2) Applicable Board policies and administrative regulations;
 - (3) Circumstances in which the public charter school will generally be requesting local law enforcement involvement in student searches and suspected crimes;
 - (4) Handling searches and evidence when involving law enforcement officials.

MITCH Charter School

Code: JG

Adopted:

Student Discipline**

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

Students are subject to discipline for conduct while traveling to and from school, at the bus stop, at school-sponsored events, while at other schools in the public charter school and while off campus, whenever such conduct causes a substantial and material disruption of the educational environment or the invasion of rights of others.

The Board seeks to ensure a school climate which is appropriate for learning and which assures the safety and welfare of personnel and students. The executive director will develop procedures whereby those students who disrupt the educational setting or who endanger the safety of others will be subject to disciplinary sanctions that are age appropriate, and to the extent practicable, use approaches that are shown through research to be effective to correct behavioral problems, while supporting a students' attendance to school and classes. Examples include, but are not limited to, reprimands, conferences, detention and denial of participation in cocurricular and extracurricular activities. Titles and/or privileges available to or granted to students may be denied and/or revoked.

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

Student with disabilities shall be disciplined in accordance with federal law and board policy JGDA - Discipline of Students with Disabilities and accompanying administrative regulation.

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

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 332.061](#)

[ORS 332.072](#)

[ORS 338.115](#)

[ORS 339.115](#)

[ORS 339.240 to -339.280](#)

[ORS 659.850](#)

[OAR 581-021-0045](#)

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

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

Shorb v. Grotting and Powers Sch. Dist., Case No. 00CV-0255 (Coos County Circuit Ct.) (2000).

Ferguson v. Phoenix Talent Sch. Dist. #4, 172 Or. App. 389 (2001).

Corrected 5/09/23

MITCH Charter School

Code: JGA

Adopted:

Corporal Punishment**

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

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

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

A staff member is authorized to employ reasonable physical force upon a student when and to the extent the application of physical force is consistent with ORS 339.285-339.303. Physical force shall not be used to discipline or punish a student. A staff member found in violation of this policy may be subject to discipline up to and including dismissal. A volunteer found in violation of this policy by administration may be subject to sanctions and/or prohibited from volunteer service at the public charter school.

The executive director shall inform all staff members and volunteers of this policy.

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)

[ORS 338.115\(1\)\(q\)](#)

[ORS 339.240](#)

[ORS 339.250](#)

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

[OAR 584-020-0040](#)

Corrected 5/09/23

MITCH Charter School

Code: JGAB

Adopted:

Use of Restraint or Seclusion**

The Board is dedicated to the development and application of best practices within the public charter schools educational/behavioral programs. The Board establishes this policy and its administrative regulation to define the circumstances that must exist and the requirements that must be met prior to, during, and after the use of restraint or seclusion as an intervention with public charter school students.

The use of the following types of restraint on a student in the public charter school is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object¹, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.

The use of a seclusion cell is prohibited.

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the public charter school.

¹ The use of a solid object, including furniture, a wall, or the floor, by public charter school staff performing a restraint is not prohibited if the object is used for the staff's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body.

Restraint may be imposed on a student in the public charter school only under the following circumstances:

1. The student’s behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the public charter school only under the following circumstances:

1. The student’s behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, principal, executive director, it will be used only for as long as the student’s behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Definitions

1. “Restraint” means the restriction of a student’s actions or movements by holding the student or using pressure or other means.

“Restraint” does not include:

- a. Holding a student’s hand or arm to escort the student safely and without the use of force from one area to another;
- b. Assisting the student to complete a task if the student does not resist the physical contact; or
- c. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
 - (1) Break up a physical fight;
 - (2) Interrupt a student’s impulsive behavior that threatens the student’s immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

2. “Seclusion” means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

“Seclusion” does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving, or a student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student’s behavior.

3. “Seclusion cell” means a freestanding, self-contained unit that is used to isolate the student from other students or physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

4. “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.
5. “Substantial physical or bodily injury” means any impairment of the physical condition of a person that requires some form of medical treatment.
6. “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.
7. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice for standard treatment of the student’s medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.
 8. “Prone restraint” means a restraint in which a student is held face down on the floor.
 9. “Supine restraint” means a restraint in which a student is held face up on the floor.

Any student being restrained or secluded within the scope of the public charter school program whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in Oregon Administrative Rule (OAR) 581-021-0568.

The public charter school shall utilize the Crisis Prevention Institute (CPI) training program of restraint or seclusion for use by the public charter school staff. As required by state regulation, the selected program shall be one approved by the Oregon Department of Education (ODE) and include, but not limited to, positive behavior support, conflict prevention, de-escalation and crisis response techniques. Any program selected by the public charter school must be in compliance with state and federal law with respect to the use of restraint and seclusion.

An annual review of the use of restraint and seclusion during the preceding school year shall be completed and submitted to ODE to ensure compliance with public charter school policies and procedures.

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

1. The total number of incidents involving restraint;
2. The total number of incidents involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in restraint;
5. The total number of student placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or staff as a result of the use of restraint or seclusion;

7. The total number of students placed in restraint or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the public charter school to decrease the use of restraint and seclusion for each student;
8. The total number of restraint or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics² of all students upon whom restraint or seclusion was imposed;
10. The total number of rooms available for use by the public charter school for seclusion of a student and a description of the dimensions and design of the rooms.

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

At least once each school year the parents and guardians of students of the district shall be notified about how to access the report.

The public charter school shall investigate all complaints regarding the use of restraint or seclusion practices according to the procedures outlined in Board policy KL - Public Complaints and KL-AR - Public Complaint Procedure. The complaint procedure is available at the school’s administrative office and is available on the home page of the school’s website.

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

END OF POLICY

Legal Reference(s):

ORS 161.205	ORS 339.300	OAR 581-021-0563
ORS 339.250	ORS 339.303	OAR 581-021-0566
ORS 339.285		OAR 581-021-0568
ORS 339.288	OAR 581-021-0061	OAR 581-021-0569
ORS 339.291	OAR 581-021-0550	OAR 581-021-0570
ORS 339.294	OAR 581-021-0553	OAR 581-022-2267
ORS 339.297	OAR 581-021-0556	OAR 581-022-2370

Corrected 5/09/23

² Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

MITCH Charter School

Code: JGAB-AR

Revised/Reviewed:

Use of Restraint or Seclusion

Procedure

1. If restraint or seclusion continues for more than 30 minutes, school staff will attempt to immediately notify parents or guardians verbally or electronically.
2. Following an incident involving the use of restraint or seclusion, school. Staff will provide parents or guardians of the student the following:
 - a. Verbal or electronic notice of the incident by the end of the school day when the incident occurred.
 - b. Written documentation of the incident within 24 hours that provides:
 - (1) A description of the restraint or seclusion including:
 - (a) The date of the restraint or seclusion;
 - (b) The times the restraint or seclusion began and ended; and
 - (c) The location of the incident.
 - (2) A description of the student's activity that prompted the use of restraint or seclusion;
 - (3) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted;
 - (4) The names of staff of the public charter school who administered the restraint or seclusion;
 - (5) A description of the training status of the staff of the public charter school who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian; and
 - (6) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
3. If the restraint or seclusion was administered by a person without training, the executive director will ensure written notice is issued to the parent or guardian of the student that includes the lack of training, and the reason why a person without training administered the restraint or seclusion.
4. An executive director will be notified as soon as practicable whenever restraint or seclusion has been used.
5. If restraint or seclusion continues for more than 30 minutes the student must be provided with adequate access to bathroom and water every 30 minutes. If restraint or seclusion continues for more than 30 minutes, every 15 minutes after the first 30 minutes, an executive director for the public charter school must provide written authorization for the continuation of the restraint or seclusion, including providing documentation for the reason the physical restraint or seclusion must be continued. Whenever restraint or seclusion extends beyond 30 minutes, staff of the public charter school will immediately attempt to verbally or electronically notify a parent or guardian.

6. A Restraint and/or Seclusion Incident Report form must be completed and copies provided to those attending the debriefing meeting for review and comment. The completed Restraint and/or Seclusion Incident Report Form shall include the following:
 - a. Name of the student;
 - b. Name of staff member(s) administering the restraint or seclusion;
 - c. Date of the restraint or seclusion and the time the restraint or seclusion began and ended;
 - d. Location of the restraint or seclusion;
 - e. A description of the restraint or seclusion;
 - f. A description of the student's activity immediately preceding the behavior that prompted the use of restraint or seclusion;
 - g. A description of the behavior that prompted the use of restraint or seclusion;
 - h. Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted;
 - i. Information documenting parent or guardian contact and notification.
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 executive director. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.
8. If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.
9. If serious bodily injury or death of a staff member occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the superintendent within 24 hours of the incident, or to the union representative for the affected person, if applicable.
10. The district will maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

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

1. Parent participation in the plan is required.
2. The IEP team that develops the behavioral support plan shall include knowledgeable and trained staff, including a behavioral specialist and a public charter school representative who is familiar with the physical restraint and seclusion training practices adopted by the public charter school.
3. Prior to the implementation of any behavioral support plan that includes restraint or seclusion a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan.
4. If a student is involved in five incidents in a school year, the team, including a parent or guardian of the student, will form for the purpose of reviewing and revising the student's behavior plan.

Use of restraint or seclusion in an emergency by school executive director, staff or volunteer to maintain order or prevent a student from harming themselves, other students or school staff.

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

Corrected 5/09/23