



BOARD MEETING DATE
October 28, 2013

FIRST READING OF SCHOOL BOARD POLICIES

POLICY ISSUE/SITUATION:

Attached are OSBA and BSD staff suggested changes presented for a first reading. The policies are:

- **JECA** – Admission of Resident Students
- **JHCCF** – Pediculosis (Head Lice)
- **JHFF** – Reporting Requirements Regarding Sexual Conduct with Students
- **JOB** – Personally Identifiable Information

BACKGROUND INFORMATION:

Departments are continuing to work to reach compliance of the policies pertinent to their areas. During this school year we will continue to present various sets of new policy changes for review.

RECOMMENDATION:

It is recommended that the School Board review these first readings.

The Beaverton School District recognizes the diversity and worth of all individuals and groups. It is the policy of the Beaverton School District that there will be no discrimination or harassment of individuals or groups based on race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, marital status, age, veterans' status, genetic information or disability in any educational programs, activities or employment.

Admission of Resident Students**

A student is considered to be a resident student if they reside permanently or continuously with a Parent or person in a parental relationship within the District attendance area. School age students between the ages of 5-19, who live within the District attendance area, attend school without paying tuition.

1. ~~Residents over age 19 who have a diploma may be admitted with the approval of the Superintendent and upon payment of tuition at the rate established by the Board.~~ Students who turn 19 years of age during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year.
2. The District may admit otherwise eligible students who have not yet attained 21 years of age prior to the beginning of the current school year if they are receiving special education services or if they have not earned a diploma; or age 21 if receiving special education services and have not yet received regular high school diploma. These students may attend school without paying tuition for the remainder of the school year
3. Students with disabilities voluntarily placed outside the home by their parent may continue to attend the school the student was attending prior to the placement as a district resident when the student's parent and school staff can demonstrate it is in the student's best interest.
4. The District will not deny school admission to students who have become residents and who are under expulsion from another school district for reasons other than a weapons policy violation. The District will place students appropriately. The District will uphold the conditions of expulsion for the designated time remaining for the expulsion.
5. The District shall deny for at least one calendar year from the date of the expulsion regular school admission to students who have become residents and who are under expulsion from another school district for a weapons policy violation. The Superintendent may modify the time period as warranted by circumstances.
6. The District will not provide alternative programs of instruction to students who are currently under expulsion for a weapons policy violation.

END OF POLICY

Legal References:

ORS 109.056
ORS 327.006
ORS 339.115
ORS 339.133
ORS 339.134
ORS 433.267
SB 215 (2007)

Cross Reference:

Policy JFCJ – Weapons in the Schools

Pediculosis (Head Lice)**

The Board recognizes that District programs should be conducted in a manner that protects and enhances student and employee health and is consistent with recognized health practices. Consequently, in order to prevent the spread of Pediculosis (head lice) in the school setting, the District shall develop guidelines for classrooms to assist in the prevention and spread of head lice. Students with suspected cases of lice will be referred to school staff for assessment. Students found with live lice will be excluded from school. Students excluded from school will be readmitted after re-assessment by designated staff to confirm that no live lice are present. Students found with nits (lice eggs) only or returning after exclusion with the presence of nits only will not be excluded, but will be subject to periodic checks to confirm continuing absence of live lice.

Successful treatment of head lice requires a coordinated approach and may involve the use of antilouse products, combing and implementation of preventative measures recommended by health authorities. The District will provide parents of students found to have contracted head lice with treatment information. It is the District's intent to not only eliminate any outbreak or infestation, but also to prevent a repeat episode.

At least once a year, all schools will communicate with families regarding prevention and treatment of head lice. The school will notify all parents of students in a classroom upon the discovery of a single case of live lice in that classroom. In the event that three or more unrelated cases of live lice are diagnosed at a school within a two-week period, a letter will be sent home to parents of all students at the school.

The Superintendent or designee will develop administrative regulations, as necessary, to implement this policy.

Legal References:

ORS 433.255

ORS 433.260

OAR 437-002-0360

OAR 581-022-0705

Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct by District/school employees, as defined by Oregon law and this policy, will not be tolerated. All District employees are subject to this policy. The first two elements of the following definition will be considered sufficient cause for taking disciplinary action.

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

Any District/school employee who has reasonable cause to believe that another District/school employee or volunteer has engaged in sexual conduct with a student must immediately notify his/her immediate supervisor. The supervisor will begin an investigation and notify the designated Human Resource administrator as appropriate.

When the District receives a report of suspected sexual conduct by a District employee, the District may place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students, if available, while conducting an investigation. An investigation is a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the complainant, witnesses, ~~and~~ the District employee who is the subject of the report, *and the victim identified in the report*. The investigation must meet any negotiated standards of an employment contract or agreement.

If, following the investigation, the report is substantiated, the District will inform the employee that the report has been substantiated and provide information regarding the appeal process. The employee may appeal the District’s decision through an appeal process administered by a neutral third party. A substantiated report is one that: a) is supported by reasonable evidence; and b) involves conduct that the educational provider determines is sufficiently serious to be documented in the employee’s personnel file. Notification to Teachers Standards and Practices Commission (TSPC) will be made, as appropriate under Oregon law.

If the employee decides not to appeal the determination or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee’s personnel file. The employee will be notified that this information may be disclosed to a potential employer.

The District will post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the superintendent or designee will follow upon

receipt of a report. In the event that the designated person is the suspected perpetrator, the superintendent or designee shall receive the report. When the superintendent or designee takes action on the report, the person who initiated the report must be notified.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected sexual conduct by a District employee in good faith, the student will not be disciplined by the Board or any District employee.

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

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

END OF POLICY

Legal Reference(s):

ORS 418.746 to-418.751
ORS 419B.005 to-419B.045
ORS 339.370 to 339.400

HB 4016 (2012)

PERSONALLY IDENTIFIABLE INFORMATION

Personally identifiable information includes, but is not limited to:

1. Student's name, if excluded from directory information, as requested by the student/parent in writing;
2. Name of the student's parent(s) or other family member;
3. Address of the student or student's family, if excluded from directory information, as requested by the student/parent in writing;
4. Personal identifier such as the student's social security number or student ID number, or biometric record;
5. A list of personal characteristics that would make the student's identity easily traceable such as student's date of birth, place of birth and mother's maiden name;
6. Other information that would make the student's identity easily traceable;
7. Other information requested by a person who the District believes knows the identity of the student to whom the educational record relates.

Prior Consent to Release

Personally identifiable information will not be released without prior written and dated consent of the parent, student 18 years or older or emancipated.

Notice of and/or request for release of personally identifiable information shall specify the records to be disclosed, the purpose of disclosure and the identification of person(s) to whom the disclosure is to be made. Upon request of the parent or eligible student, the district will provide a copy of the disclosed record.

Exceptions to Prior Consent

The district may disclose personally identifiable information without prior consent under the following conditions:

1. To personnel within the District who have legitimate educational interests;

2. To personnel of an education service district or state regional program where the student is enrolled or is receiving services;
3. To personnel of another school, another district, state regional program, or institution of post-secondary education where the student seeks or intends to enroll;
4. To authorized representatives of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state-supported education programs or the enforcement of, or compliance with federal or state supported education programs or regulations.

The District may disclose information under this section only if the disclosure is made to an official listed above and who enters into a written agreement with the district that:

- (a) Designates the individual or entity as an authorized representative;
 - (b) Specifies the personally identifiable information being disclosed;
 - (c) Specifies the personally identifiable information being disclosed in furtherance of an audit, evaluation or enforcement or compliance activity of the federal or state supported education programs;
 - (d) Describes the activity with sufficient specificity to make clear it falls within the audit or evaluation exception; this must include a description of how the personally identifiable information will be used;
 - (e) Requires information to be destroyed when no longer needed for the purpose for which the study was conducted;
 - (f) Identifies the time period in which the personally identifiable information must be destroyed; and
 - (g) Establishes policies and procedures which are consistent with FERPA and other federal and state confidentiality and privacy provisions to insure the protection of the personally identifiable information from further disclosure and unauthorized use.
5. To personnel determining a financial aid request for the student;
 6. To personnel conducting studies for or on behalf of the District;

When information disclosed under this section is to an official listed in paragraph (4) above, the District must enter into a written agreement with the official that:

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

7. To personnel in accrediting organizations fulfilling accrediting functions;
8. To comply with a judicial order or lawfully issued subpoena;
9. For health or safety emergency;

The District shall disclose personally identifiable information from an education record to law enforcement, child protective services and health-care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student and/or other individuals.

10. By request of a parent of a student who is not 18 years of age;
11. By request of a student who is 18 or older or emancipated;
12. Because information has been identified as "directory information".
13. To the courts when legal action is pending;
14. To a court and state and local juvenile justice agencies.
15. A judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependancy matters;
16. To a caseworker or other representative of a state or local child welfare agency or tribal organization that are legally responsible for the care and protection of the student including educational stability of children in foster care.

In accordance with the Family Educational Records and Privacy Act ("FERPA"), for the purposes of the release of information, the term Personnel shall include "other school officials" as that term is used in FERPA §§ 99.7(a)(3)(iii) and 99.31(a)(1) and as interpreted by the Family Policy Compliance Office, and shall be defined as all persons employed by or under contract with the District to perform specific tasks to further legitimate educational interests.

END OF POLICY

Legal References:

ORS 30.864
ORS 107.154
ORS 326.565
ORS 326.575
ORS 336.187
OAR 581-015-2000
OAR 581-021-0220 to -0430

OAR 581-022-1660

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2011); Family Educational
Rights and Privacy, 34 C.F.R. Part 99 (2011).
Uninterrupted Scholars Act (USA), 2013 (P.L. 112-278, Jan. 14, 2013), 20 U.S.C. § 1221