

Clatskanie School District 6J

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The following symbols are used on some sample policies:

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

# Clatskanie School District 6J

Code: **KAB**  
Adopted: 5/20/13  
Orig. Code(s): KAB

## Parental Rights\*\*

The Board recognizes the importance of promoting parental input in decision making related to their student's health and general well-being; in determining district and student needs for educational services; and, in program development and district operations. To assist the district in this effort, and in accordance with law, the No Child Left Behind Act of 2001 (NCLBA), the district affirms the right of parents, upon request, to inspect:

1. A survey created by a third party before the survey is administered or distributed by the district to a student, including any district survey containing "covered survey items"<sup>1</sup> ~~as defined by the NCLBA~~;
2. Any instructional material used by the district as part of the educational curriculum for the student;
3. Any instrument used in the collection of personal information from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose.

As provided by law, parents of district students will also, upon request, be permitted to excuse their student from "covered activities"<sup>2</sup> ~~as defined by the NCLBA~~. The rights provided to parents under this policy, transfer to the student when the student turns 18 years of age~~ed~~, or is an emancipated minor under applicable state law.

The superintendent will ensure that activities requiring parental notification are provided as required by law and that reasonable notice of the adoption or continued use of this policy is provided to parents of students enrolled in district schools. The input of parents will be encouraged in the development, adoption and any subsequent revision of this policy.

The superintendent shall develop administrative regulations to implement this policy, including provisions as may be necessary to ensure appropriate notification to parents of their rights under federal law and

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<sup>1</sup> "Covered survey items" ~~under the NCLBA~~ include one or more of the following items: political affiliations or beliefs of the student or the student's family; ~~mental and psychological problems of the student or the student's family~~; sex behavior or attitudes; illegal, ~~antisocial~~ ~~anti-social~~, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

<sup>2</sup> "Covered activities," requiring notification, ~~under the NCLBA~~ include activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more of covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance and administered and scheduled by the school in advance. See the administrative regulation for additional definitions.

district procedures to request review of covered materials, excuse a student from participating in covered activities and protect student privacy in the event of administration or distribution of a survey to a student.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.107](#)

Every Student Succeeds Act of 2015, 20 U.S.C. § 7928 (2012).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2012).

Corrected 7/16/24

# Clatskanie School District 6J

Code: KAB-AR  
Adopted: 5/20/13  
Orig. Code(s): KAB-AR

## Parental Rights

The following definitions and procedures will be used to implement the parental rights requirements of the No Child Left Behind Act (NCLBA):

### Definitions

1. “Survey,” as defined by federal law and as used in Board policy and this regulation, includes an evaluation. It does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA).
2. “Covered survey items” means one or more of the following items: political affiliations or beliefs of the student or the student’s family; mental and psychological problems of the student or the student’s family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student’s parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.
3. “Covered activities,” requiring notification, under the NCLBA means those activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance, and administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student, or of other students. This provision does not apply to physical examinations or screenings that are permitted or required by law, including physical examinations or screenings permitted without parental notification.
4. “Third parties” include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control.
5. “Instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.
6. “Personal information” means individually identifiable information including a student or parent’s first and last name; a home or other physical address (including a street name and the name of the city or town); telephone number; or a social security identification number.

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

### **Requests to Inspect Materials**

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

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

### **Requests to Excuse Student from Covered Activities**

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

1. The collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information to others;
2. Any district or third party survey;
3. The administration of nonemergency, invasive physical examinations or screenings.

All such requests must be:

1. Directed to the principal in writing;
2. Received by the district no later than five working days following receipt of notification by the district of its intent to administer or distribute such items.

### **Student Privacy**

The district recognizes its responsibility to protect student privacy in the event of administration or distribution of a survey to a student containing one or more covered survey items.

A student’s personal information that may be collected as a result of such surveys will be released only with prior, written parental permission. The district will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from educational records.

## **Notification**

Each principal shall be responsible for ensuring appropriate notification to parents of their rights under federal law, Board policy and this regulation. Accordingly, notification will:

1. Be made at least annually at the beginning of the school year or at other times during the school year when enrolling students for the first time in school;
2. Include the specific or approximate dates during the school year when covered activities are scheduled or expected to be scheduled.

Corrected 7/16/24

# Clatskanie School District 6J

Code: KBA  
Adopted: 1/22/18  
Orig. Code(s): KBA

## Public Records Requests\*\*

~~“Public record” means any information that:~~

- ~~1. — Is prepared, owned, used or retained by the district;~~
- ~~2. — Is related to an activity, transaction or function of the district; and~~
- ~~3. — Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the district.~~

~~Public record does not include messages on voice mail or on other telephone message storage and retrieval systems, or spoken communication that is not recorded.~~

A request to inspect or receive a copy of a public record shall be in writing and will be presented to the superintendent’s office.

A “public record” includes any writing that contains information relating to the conduct of the public’s business, prepared, owned, used or retained by the district regardless of physical form or characteristics, unless otherwise exempted by law.<sup>1</sup> “Writing” means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, files, facsimiles or electronic recordings. Public record does not include any writing that does not relate to the conduct of the public’s business and that is contained on a privately owned computer.<sup>2</sup>

~~Board meetings and records will be matters of public information subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.~~

~~The Board’s official minutes, its written policies and its financial records will be available at the superintendent’s office for inspection by any citizen desiring to examine them during hours when the superintendent’s office is open. All such information will be made available to individuals with disabilities in an accessible, any appropriate format, upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.~~

The Board supports the right of the people to know about programs and services of their schools and will make reasonable effort every effort to disseminate information. Each principal is authorized to use all means available means to keep parents and others in the of his/her particular school’s community informed about the school’s program and activities.

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<sup>1</sup> There are multiple definitions for “public record” in ORS 192. This definition comes from ORS 192.311 and applies to the inspection of records.

<sup>2</sup> In accordance with Bialostosky v. Cummings, 319 Or. App. 352 (2022), an individual board member may be considered a public body for public record purposes. Consequently, records created and retained solely by individual board members may be considered public records.



No records will be released for inspection by the public or any unauthorized persons, either by the superintendent or any other person designated as custodian for district records, if such disclosure would be contrary to the public interest, as described in state law.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the district for the actual cost of making public records available pursuant to law. The district will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

Employee and volunteer personal residential addresses, personal electronic mail addresses, ~~(other than district electronic mail addresses assigned by the district to district employees)~~, social security numbers, dates of birth and personal telephone or cellular numbers, and other information listed in Oregon Revised Statute (ORS) 192.355 as exempt, contained in personnel records maintained by the district are exempt from public disclosure pursuant to Oregon Revised Statutes (ORS) 192.363 - 368445 and ORS 192.355502(3). Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law. District electronic mail addresses assigned by the district to district employees are not exempt. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member. ~~District electronic mail addresses assigned by the district to district employees are not exempt.~~

The district will not disclose the identification badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by the district to identify district employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

The district shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

The district shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166-005-0010 and Chapter 166, Division 400 and ORS Chapter 192.

END OF POLICY

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**Legal Reference(s):**

[ORS 180.805](#)

[ORS Chapter 192](#)

[OAR 137-004-0800\(1\)](#)

[OAR 166-005-0010](#)

[OAR 166-400](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2021); 28 C.F.R. Part 35 (2021).

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL, *Public Records and Meetings Manual*.

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

Bialostosky v. Cummings, 319 Or. App. 352 (2022).

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KBA-AR**  
Revised/Reviewed: 7/24/23  
Orig. Code(s): KBA-AR

## Public Records Request

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the district:

A public records request shall be submitted in writing through the superintendent's office to the superintendent at 660 SW Bryant St, Clatskanie, OR 97016 or PO Box 678, Clatskanie, OR 97016.

1. Upon receipt of a written request, the district shall respond within five business days<sup>1</sup> acknowledging receipt of the request or completing<sup>2</sup> the district's response to the request. If the district provides an acknowledgment of the request, it must:
  - a. Confirm that the district is the custodian of the requested record;
  - b. Inform the requester that the district is not the custodian of the requested record; or
  - c. Notify the requester that the district is uncertain whether the district is the custodian of the requested record.
2. If the district is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the district is required to acknowledge receipt of the request as described above, the district shall:
  - a. Complete its response to the public records request in accordance with ORS 192.329(2). If the district determines that a record is exempt from public disclosure, the district will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
  - b. Provide a written statement that the district is still processing the request and a reasonable estimated date by which the district expects to complete its response based on the information currently available.
3. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the district if compliance would be impracticable because:
  - a. The staff or volunteers<sup>3</sup> necessary to complete a response to the public records request are unavailable;
  - b. Compliance would demonstrably impede the district's ability to perform other necessary services; or
  - c. Of the volume of the public records request being simultaneously processed by the district.

In these situations, the district shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

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<sup>1</sup> "Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the district is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the district are closed.

<sup>2</sup> The district response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329).

<sup>3</sup> Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

4. The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request as permitted by law. If the district requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days to a good faith request from the district for information or clarification, the district shall close the request.
5. If a copy of a public record is requested, the district will provide a single copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be made available in the form the record is maintained.
6. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of district records and at the same time to the district's attorney.
7. Information will be made available to individuals with disabilities in an accessible format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.
8. Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be ~~reimbursed to the district~~ charged to the requester.

~~Labor will be calculated at the hourly rate of the employee affected. Materials and out of pocket charges will be reimbursed at the established rate of \$.25 per page.~~

Costs will be as follows:

- a. Clerical time: \$40 per hour;
- b. Administrator time: \$90 per hour;
- c. Attorney time: \$300 per hour;
- d. Printing: \$0.25 per page.

Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

If the district has informed the requester of a permitted fee, the obligation of the district to complete its response to the request is suspended until the fee has been received by the district. If the requester fails to pay the fee within 60 days of the date they were informed of the fee or fails to pay the fee within 60 days of the date on which the district informed them of the denial of the fee waiver, the district shall close the request.

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KBCA**  
Adopted: 5/20/13  
Orig. Code(s): KBCA

## News Releases

Information about ~~district school~~ activities and issues will be provided to the community in a way which will create and maintain a dignified and professionally responsible image for the district.

The procedures listed below will be followed in giving official information to the news media:

1. The Board chair will be the official spokesperson for the Board, unless this duty is delegated;
2. News releases that are of districtwide interest or that pertain to established district policy will be the responsibility of the superintendent;
3. The superintendent will establish ~~procedures~~ regulations for the dissemination of news releases pertaining to the district.

END OF POLICY

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### Legal Reference(s):

[ORS 192.640](#)

[ORS 332.107](#)

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KBCB**  
Adopted: 5/20/13  
Orig. Code(s): KBCB

## Press Conferences and Interviews

When individual Board members receive requests from press media representatives for information about Board meetings or actions, members will refer these representatives to the Board chair, who is the spokesperson for the Board. The chair may designate others to speak on behalf of the Board at ~~their~~his/her discretion.

Press conferences will be authorized by the Board chair.

Nothing in this policy is intended to limit the rights of individual Board members to speak their personal opinions.

END OF POLICY

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### Legal Reference(s):

[ORS 192.640](#)

[ORS 332.107](#)

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KBE**  
Adopted: 5/20/13  
Orig. Code(s): KBE

## Political Campaigns

The district may not use funds, facilities or equipment to influence a political campaign, nor to advocate “yes” or “no” votes on elections bond issues, levies or political campaigns.

END OF POLICY

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### Legal Reference(s):

[ORS 260.432](#)  
[ORS 294.100](#)

[ORS 332.107](#)  
[ORS 332.172](#)

SECRETARY OF STATE, ELECTIONS DIVISION, RESTRICTIONS ON POLITICAL CAMPAIGNING BY PUBLIC EMPLOYEES (1/2016).

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KC**  
Adopted: 5/20/13  
Orig. Code(s): KC

## Community Involvement in Decision Making

The Board endorses the concept that community participation in school affairs is essential if the school system and the community are to maintain mutual confidence and respect and work together to improve the quality of education for students. It therefore intends to exert every effort to identify the community's desires and to be responsive, through its actions, to those desires.

All district citizens will be encouraged to express their ideas, concerns and judgments about the schools through such means as:

1. Written suggestion(s) or proposal(s);
2. Presentations at hearings;
3. Responses to surveys made through interviews, written instruments or other means;
4. Comments at Board meetings; and
5. Service on citizens' advisory committees, school improvement teams and/or site councils.

The public input will be given careful consideration. In evaluating such input, the first concern will be for the educational program as it affects students. The Board's final decisions may depart from public input when, in the judgment of staff and the Board, such input is not consistent with goals adopted by the Board or with good educational practice, or within available financial resources.

END OF POLICY

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### Legal Reference(s):

[ORS 329](#).125

[ORS 332](#).107

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KGA**  
Adopted: 5/20/13  
Orig. Code(s): KGA

## Public Sales on District Property

Public sales of goods or services on district property must be approved by the superintendent or designee.

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)

[ORS 332.172](#)

Corrected 7/16/24



# Clatskanie School District 6J

Code: **KGE**  
Adopted: 5/20/13  
Orig. Code(s): KGE

## Public Responsibility for Facility Usage

*(Refer to policy KG)*

The Board supports the community education concept, which encourages the use of district facilities by community members for recreation, education and service activities. Approval or denial will be granted by the school office in coordination with facility administrators. The original copy of the agreement will remain in the district office. Other copies will be distributed to the designated building administrator, building custodial staff and facility user.

Approval for using facilities will be granted for a period not to exceed one school year. Requests must be resubmitted if the person or group desires to continue using the facility.

The Board expects the users to treat the facilities with respect. The user must agree to the guidelines on the Building Use Request form.

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)

[ORS 332.172](#)

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KH**  
Adopted: 5/20/13  
Orig. Code(s): KH

## Public Gifts to the District

Gifts which may serve to enhance and extend the work of the schools may be accepted received by the district. It will be the district's general policy to direct those who desire to make contributions to consider equipment or services that are not likely to be acquired from public fund expenditures.

1. Tangible property contributed to the schools becomes the property of the district and is subject to the same controls and regulations that govern the use of other district-owned property.
2. Contributions of property or services that may involve major costs for installation or maintenance, or initial or continuing financial commitments from district funds, will be presented by the superintendent for Board consideration and approval.
3. Any groups planning to raise money for a gift to a school or the educational system will first consult with the principal and superintendent regarding what kind of gift should be made. The superintendent will develop guidelines for accepting gifts. Such guidelines will include a concern for fairness and equity among schools.
4. Priority lists of needed and desirable equipment, supplies or services will be kept in each school.
5. Contributions of small items, such as books, do not require prior approval. Gifts of books and other materials will meet the same standards of selection as those applied to the purchase of library materials.
- ~~6. Conditions for contributions for a scholarship or scholarship fund shall be developed by a scholarship committee appointed by the Board.~~
- 7.6. All gifts will be subject to the provisions of Board policy.

Gifts accepted shall be used for the purpose for which they were donated.

In accepting gifts, the Board will be aware of the requirement that there should not be significant differences among the various school facilities.

END OF POLICY

### Legal Reference(s):

[ORS 294.338](#)  
[ORS 332.075](#)

[ORS 332.107](#)  
[ORS 332.385](#)

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KI**  
Adopted: 11/26/18  
Orig. Code(s): KI

## Public Solicitation in District Facilities

Fund raising **and solicitation** by non-school-agencies or for non-school-activities during school hours will not be permitted without prior approval of the superintendent and/or principal.

Demonstrations of services or materials and canvassing of students or employees for the purpose of selling products or services shall not be permitted in either the district's schools or grounds, unless authorized by the superintendent and/or principal.

No nonschool-sponsored organization or individual may solicit funds or sell tickets within the district without first securing permission through the superintendent and/or principal.

Whenever possible, solicitation should occur during nonclassroom time.

The administration of surveys, questionnaires and requests for information by non-school-connected organizations are prohibited. Exceptions may be approved by the superintendent. In the event an exception is granted for the administration or distribution of a survey created by a third party, the district will provide an opportunity for the student's parent to inspect such survey upon request, before the survey is administered or distributed by a school to a student, ~~as required by the~~. Any district survey containing any "covered survey items"<sup>1</sup> may also be inspected by parents.

Parents may also request that their student be excused from participation in such surveys. Requests may be submitted in accordance with the provisions of Board policy KAB - Parental Rights and accompanying administrative regulation.

As required by law, the superintendent shall ensure that notification is provided to parents of students at least annually at the beginning of the school year or when enrolling students for the first time in school, of the specific or approximate dates during the school year when such surveys are scheduled or expected to be scheduled. The rights provided to parents under this policy transfer to the student when the student turns 18 years of age or is an emancipated minor under applicable state law.

The district recognizes its responsibility to protect student privacy. Personal information that may be collected as a result of such surveys will be released only with prior, written parental permission, unless as otherwise provided by law and/or the provisions of Board policy JOB - Personally Identifiable Information.

END OF POLICY

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<sup>1</sup> "Covered survey items" include one or more of the following items: political affiliations or beliefs of the student or the student's family; mental and psychological problems of the student or the student's family; sex behavior or attitudes; illegal, anti-social, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

**Legal Reference(s):**

[ORS 332](#).107

[ORS 339](#).880

32 OR. ATTY. GEN. OP. 209 (1965)

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

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Every Student Succeeds Act, 20 U.S.C. § 7928 (2012).

Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2012).

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KJA**  
Adopted: 5/20/13  
Orig. Code(s): KJA

## Materials Distribution\*\*

Requests by individuals or groups to distribute pamphlets, booklets, flyers, brochures and other similar materials to students for classroom use or to take home shall be submitted to the school administration. Materials ~~and themselves as well as~~ the proposed method of distribution shall be subject to review.

Materials shall be reviewed based on legitimate educational concerns. Such concerns include: the material is or may be defamatory; the material is inappropriate based on the age, grade level and/or maturity of the reading audience; the material is poorly written, inadequately researched, ~~or~~ biased or prejudiced; the material contains information that is not factual; the material is not free of racial, ethnic, religious or sexual bias; or the material contains advertising that violates public school laws, rules and/or policy, is deemed inappropriate for students or that the public might reasonably perceive to bear the sanction or approval of the district.

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

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

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

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)

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

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KJB**  
Adopted: 5/20/13  
Orig. Code(s): KJB

## Signs and Banners

Signs and banners in and on all district facilities, owned or leased, shall be subject to the district's provisions which shall consider the health, safety and welfare of staff and students.

Signs and banners will be allowed in or upon buildings and other district facilities only with the prior written approval of the superintendent or designee.

The following guidelines shall be applied in considering requests to display signs or banners:

1. Signs and banners on sticks require special authorization of the superintendent or designee;
2. Signs and banners fastened to any structure of a building or structures immediately adjacent to an open space shall not be allowed without specific prior written permission;
3. Signs and banner presenting recognizable health or safety hazards are prohibited;
4. Signs and banners presenting blatant false information shall be prohibited.

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KK**  
Adopted: 5/20/13  
Orig. Code(s): KK

## Visitors to District Facilities\*\*

The Board believes that a better understanding of its educational program and improved relationship between the schools and community can be developed through school and classroom visitations of parents and patrons. Such visitations should be encouraged, arranged and permitted within considerations of the requirements of the educational program, the orderly administration of the school, school grounds and classrooms and the safety and welfare of students and staff.

The district is responsible for the schools' supervision and administration. To ensure that school work is not disrupted and that visitors are properly directed to the areas in which they are interested, all visitors to district facilities must report to the school office upon entering school property.

1. Teachers' work must not be impeded by interruption of visitors or by unreasonable demands on their time.
2. Visitors must not contact individual students except as authorized by the principal and/or teachers.
3. When in the interest of orderly educational programs and the safety of students it is determined by the principal that some specific visitor or visitors shall not be permitted to enter the school facilities, the principal shall do the following:
  - a. Advise the person that admission~~he/she~~ is refused~~admission~~ and give that person an explanation for the refusal;
  - b. If possible and appropriate, attempt to arrange alternative visitation of school facilities.
4. A visitor with permission to visit may be directed to leave when any teacher or administrator reasonably believes the visitor has engaged in physical violence, loud or disruptive speech or behavior, violation of a posted school rule or illegal conduct.

A visitor may also be directed to leave by the staff member administratively in charge of the building if the visit would be disruptive to the educational program or school order; would impede the work of teachers through visitor's interruptions or unreasonable demands on teacher time; or if the visitors' course of conduct would conflict with Board policies, district or building regulations or would violate the law.

5. A direction to leave revokes any permission to visit or license to enter. Whenever possible, the direction should be given in writing or followed by written notice which identifies the issuer and gives a brief statement of the reason for the direction to leave. The principal's office should be notified of any direction to leave and given a copy of any written notice.
6. Those who insist on remaining despite a principal's request to leave and who thereby create a disruption of the carrying on of school business are subject to citizen's arrest and a report made to

the Columbia County Sheriff's Department or City of Clatskanie Police Department. Failure to leave will render a visitor liable for criminal trespass pursuant to Oregon ~~law~~ Revised Statutes.

7. Any visitor who believes that ~~they have~~ he/she has had a visit unfairly limited, may request a meeting with the superintendent. The ~~superintendent~~ latter shall meet ~~promptly~~ with the visitor, investigate the dispute and render a written decision. The superintendent's decision may be appealed to the Board.
8. Any visitor who commits a violent act or threatens to commit a violent act toward a student or staff member while on school grounds, at a school-sponsored event or on the way to and from school, shall be reported immediately to the principal and the superintendent. The superintendent shall immediately contact any student ~~or staff member~~ involved.

END OF POLICY

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**Legal Reference(s):**

[ORS 164.245](#)  
[ORS 164.255](#)

[ORS 166.025](#)  
[ORS 166.155 to -166.165](#)

[ORS 332.107](#)  
[ORS 339.327](#)

Corrected 7/16/24



# Clatskanie School District 6J

Code: **KL**  
Adopted: 5/11/20  
Orig. Code(s): KL

## Public Complaints

A parent or guardian of a student attending a school in the district, ~~or~~ a person who resides in the district, a staff member, or a student may petition the district with a complaint. A complainant will be referred through the proper administrative process for resolution of a complaint before investigation or action by the Board. An exception will be a complaint against the superintendent or one that involves Board actions or Board operations.

The complaint procedure is available at the district's administrative office and on the home page of the district's website.

The Board advises that there is a process available for resolving complaints, including but not limited to complaints in one or more of the following areas:

1. Instruction;
2. Discipline;
3. Learning materials;
4. Compliance with State Standards;
5. Restraint and/or seclusion;
6. With a staff member; or
7. Retaliation against a student who in good faith reported information that the student believes is evidence of a violation of state or federal law, rule or regulation.

The complainant must follow the complaint procedure as outlined in administrative regulation KL-AR{(1)} - Public Complaint Procedure.

The district may offer mediation or another alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution.

Any complaint about school personnel other than the superintendent will be investigated by the administration before consideration and action by the Board. The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session.

Complaints against the principal should be filed with the superintendent.

Complaints against the superintendent should be referred to the Board chair on behalf of the Board.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board.

Complaints against the Board chair should be referred directly to the Board vice chair on behalf of the Board.

A complainant must file a complaint within the later of either time limit set below, in accordance with state law:

1. Within two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation must run from the date of the most recent incident; or
2. Within one year after the affected student has graduated from, moved away from or otherwise left the district.

The superintendent will administer the complaint process, as appropriate.

If any complaint alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), Oregon Revised Statute (ORS) 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), and the complaint is not resolved through the complaint process, the complainant, if a student, a parent or guardian of a student attending a school in the district or a person who resides in the district, may appeal<sup>1</sup> the district's final decision to the Oregon Department of Education Deputy Superintendent of Public Instruction under OARs 581-002-0001 - 581-002-0023. (See KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction)

END OF POLICY

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**Legal Reference(s):**

[ORS 192.660](#)  
[ORS 332.107](#)

[ORS 659.852](#)  
[OAR 581-002-0001 - 002-0005](#)

[OAR 581-022-2370](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).  
Connick v. Myers, 461 U.S. 138 (1983).

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<sup>1</sup> An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

# Clatskanie School District 6J

Code: KL-AR(1)  
Adopted: 5/11/20  
Orig. Code(s): KL-AR(1)

## Public Complaint Procedure

A parent or guardian of a student attending a school in the district, or a person who resides in the district, a staff member, or a student who wishes to express a concern should discuss the matter with the school employee involved.

### The Administrator: Step One

If the individual is unable to resolve a problem or concern with the employee, the individual may file a written, signed complaint with the administrator within five working days of the employee's response. The administrator shall evaluate the complaint and render a decision within five working days after receiving the complaint. (A form is available, but is not required.)

### The Superintendent: Step Two

If Step One does not resolve the complaint, within 10 working days of the written response from the administrator, the complainant may file a written, signed complaint with the superintendent or designee clearly stating the nature of the complaint and a suggested remedy.

The superintendent or designee shall investigate the complaint, confer with the complainant and the parties involved, prepare a report of their findings and conclusion, and provide the report in writing or in an electronic form to the complainant within 10 working days after receiving the written complaint. **The issuance of the decision in this step will be within 30 days of receipt of the complaint by the superintendent or designee.**

### The Board: Step Three

If the complainant is dissatisfied with the superintendent's or designee's findings and conclusion, the complainant may appeal the decision to the Board within five working days of receiving the superintendent's decision. The Board will review the findings and conclusion of the superintendent in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's decision as the district's final decision. All parties involved, including the school administration, may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues.

If the Board chooses not to hear the complaint, the superintendent's decision in Step Two is final.

~~The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.~~

The complainant shall be informed in writing or in electronic form of the Board's decision within ~~30~~20 days from the ~~receipt~~hearing of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain reasons for the district's decision. The Board's decision will be final.

The timelines may be extended upon written agreement between the district and the complainant.

The district's final decision for a complaint processed under this administrative regulation that alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the district's decision. If the complainant, who is a student, parent or guardian of a student attending school in the district or a person that resides in the district, and this complaint is not resolved through the complaint process, the complainant may appeal<sup>1</sup> the district's final decision to the Deputy Superintendent of Public Instruction under Oregon OARs 581-002- 0001 – 581-002-0023.

Complaints against the principal should be filed with the superintendent. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide, ~~within 20 days~~, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 30 days of receipt of the request to place the complaint on the Board agenda. ~~10 days~~. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide, ~~within 20 days~~, in open session what action, if any, is warranted. The Board may use executive session if the subject matter qualifies under Oregon law. A final written decision regarding the complaint shall be issued by the Board within 30+0 days of receipt of the complaint. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide, ~~within 20 days~~, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 30+0 days of receipt of the complaint. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Board chair may be referred directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide, ~~within 20 days~~, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 30+0 days of receipt of the complaint. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

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<sup>1</sup> An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

**Clatskanie School District**

**COMPLAINT FORM**

To: ☐ Employee\* ☐ Administrator/Supervisor\* ☐ Superintendent ☐ Board chair ☐ Board vice chair

\* Form available but is not required.

Person Making Complaint \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Nature of Complaint \_\_\_\_\_

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

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Suggested solution/resolution/outcome: \_\_\_\_\_

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Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

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**Office Use**

Disposition of Complaint: \_\_\_\_\_

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

cc: District Office

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KL-AR(2)**  
Revised/Reviewed: 4/13/20  
Orig. Code(s): KL-AR(2)

## Appeal to the Deputy Superintendent of Public Instruction

An appeal process has been established by the Oregon Department of Education (ODE) by Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023<sup>1</sup> for complaints that allege violation of OAR Chapter 581, Division 22 (Division 22 Standards), Oregon Revised Statute (ORS) 339.285 – 339.303 or OAR 581-021-0550 – 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation).

The complainant may appeal the district's final decision for a complaint to the Deputy Superintendent of Public Instruction if:

1. The complainant has exhausted the district's complaint procedures except as otherwise allowed by statute;
2. The district failed to render a written decision within 30 days of the submission of the complaint at any step unless the district and complainant have agreed in writing to a longer time period for that step; or
3. The district failed to resolve the complaint within 90 days of the initial filing of the complaint, regardless of the number of steps in the district complaint process, unless the district and the complainant have agreed in writing to a longer time period.

The appeal may include a complaint alleging a violation of ORS 659.852 if the complainant alleges that retaliation occurred in response to a complaint for which the complainant received the district's final decision for a complaint.

The appeal must be received by ODE no later than:

1. One year after the date of the final decision by the district; or
2. If the district fails to resolve the complaint, no later than two years after the date on which the complainant first filed the complaint with the district.

The complaint upon which the appeal is based must have been initially filed with the district by the later of the following two dates:

1. The date occurring two years after the date on which the alleged violation or unlawful incident occurred or on which the complainant discovered the alleged violation or unlawful incident<sup>2</sup>; or

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<sup>1</sup> The following is not a representation of the complete rules. See complete rules available on the Oregon Administrative Rules.

<sup>2</sup> If the alleged violation or unlawful incident is of a continuing nature, the date on which the alleged violation or unlawful incident occurred is the most recent date on which the alleged violation or unlawful incident occurred.

2. The date occurring one year after the date on which the affected student graduated from, moved away from or otherwise left the district.

The appeal shall:

1. Be in writing;
2. Be submitted in person, by mail, or electronically.

The appeal must contain:

1. The name of the person filing the appeal;
2. The phone number, address, or email address, if available, of the person filing the appeal;
3. The name of the student if the person filing the appeal is filing on behalf of the student;
4. A statement of the facts on which the appeal is based; and
5. Other information requested by ODE.

Upon receipt of an appeal, ODE will determine whether the appeal satisfies the requirements of OAR 581-002-0003 and OAR 581-002-0005.

After these determinations, ODE will give written notice to the complainant and the district whether the appeal has been accepted.

If ODE has accepted an appeal and gave notice to the complainant and the district involved, the district shall submit a written response and all correspondence, documents, and other information ODE requested within 30 days of receipt of the notice.

The district's written response shall include:

1. A statement of facts;
2. A description of district action taken in response to the complaint; or if none was taken, an explanation of the reason(s) why no action was taken;
3. Any stipulation reached concerning settlement of the complaint; and
4. A list of any complaints filed with another agency by the complainant concerning the subject of the appeal to the extent that the district is aware of such complaints.

The Director of ODE may for good cause extend the time by which a district must make a submission described above.

Upon receipt of the district's written response, ODE will conduct an investigation to determine whether the district violated a rule or law described in OAR 581-002-0003.

ODE shall issue a final order pursuant to OAR 581-002-0017.

# Clatskanie School District 6J

Code: **KMA**  
Adopted: 5/20/13  
Orig. Code(s): KMA

## Community Education

The community education concept stresses an expanded role for public education and provides a dynamic approach to individual and community improvement. Community education encourages development of a comprehensive and coordinated delivery system for providing educational, recreational, social and cultural services for all people in the community. All communities have tremendous human and physical resources that can be identified and mobilized to obtain workable solutions to various problems. Inherent in the community education philosophy is the belief that each community education program should reflect the needs of that particular community. The philosophy advocates a process which produces essential modifications as times and problems change.

The Board believes schools should be genuinely responsive to the human needs and wants of its citizens, who should be given encouragement and opportunity for a better life. The Board accepts the concept of community education, recognizing the expanded role of the school system as a comprehensive community opportunity center for all ages.

The Board recognizes that good schools involve the active participation and cooperation of the entire community. School buildings, equipment and staff represent a considerable investment of public funds and it is desirable that these resources be used fully.

The Board's policy will support the community education concept and the Board will cooperate with other community organizations in school facility and grounds use to include community education activities that provide a wide range of educational, social, recreational and cultural programs for district citizens.

END OF POLICY

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### Legal Reference(s):

[ORS 336.505 - 336.525](#)

Corrected 7/16/24



# Clatskanie School District 6J

Code: KN  
Adopted: 5/20/13  
Orig. Code(s): KN

## Relations with Law Enforcement Agencies

The Board recognizes that districtwide cooperation with law enforcement agencies is essential for the protection of staff and students, for maintaining a safe environment in district schools and for safeguarding district property.

Programs and activities designed to enrich district curriculum and to develop and promote good citizenship and a healthy attitude toward law enforcement agencies and officials will be encouraged by the district. Law enforcement presence and participation in such school programs and activities is encouraged to promote a positive environment for students.

Law enforcement officials may enter school facilities if a crime has been committed on district property or to investigate matters concerning staff and students upon request initiated by either agency officials or by district administrators.

The superintendent will develop administrative regulations to implement this policy, including procedures for handling investigations, administrator requests for assistance and required referrals to law enforcement agencies.

END OF POLICY

### Legal Reference(s):

[ORS 329.150](#)

[ORS 419B.015](#)

[ORS 419B.045](#)

Letter Opinion, Office of the Attorney General (August 18, 1986).

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F. 3d 1201 (9<sup>th</sup> Cir. 2011).

Corrected 7/16/24

# Clatskanie School District 6J

Code: KN-AR(1)  
Revised/Reviewed: 11/26/18  
Orig. Code(s): KN-AR(1)

## Relations with Law Enforcement Agencies

### Request to Interview a Student or to Conduct an Investigation by Law Enforcement (Other Investigations)

1. Interviews or investigations by law enforcement officials not based on allegations of abuse of a child, a warrant for an arrest or search or probable cause that an illegal act or crime is occurring or has been committed on district property, may be permitted upon request and with ~~administrator~~ ~~principal~~ or designee approval.
2. The law enforcement official shall contact the administrator or designee, provide adequate identification, inform the administrator of the nature of the investigation and provide the name of the student to be interviewed.
3. The administrator or designee shall verify and record the identity of the law enforcement official or other authority.
4. Requests to interview a student during school hours should be, in the opinion of the administrator or designee, important and urgent to justify interrupting school activities.
5. The administrator or designee will attempt to notify the student's parent(s) prior to granting the interview. ~~If the parent(s) does not give consent to have his/her son/daughter interviewed, then the interview should not take place.~~
6. If the parent(s) cannot be contacted, the administrator or designee may grant permission for the questioning to proceed if the student agrees to be interviewed or in the event of compelling emergency circumstances.
7. If the administrator or designee has been unable to contact the parent(s) then the administrator or designee shall make a reasonable attempt to notify the parent(s) as soon as possible after the interview.
8. All such interviews shall be conducted in privacy, out of the view of staff, students and others.
9. An administrator or designee shall be present at all times during the interview unless the student's parent(s) is present and asks the administrator or designee not to participate or the district official is otherwise prohibited from being present by law.
10. The administrator or designee shall maintain a written record of all such interviews conducted.

## **Questioning of a Student Suspected of a Crime, Arrest of a Student or Taking a Student into Custody**

1. When a student is a suspect in a criminal act and is to be questioned by a law enforcement official for the purpose of establishing involvement in the act, questioning will be allowed on district property only with parental consent. Normally, such questioning should occur outside school hours, off district property.
2. At no time will a student be released to a law enforcement officer without one of the following:
  - a. A warrant;
  - b. A court order;
  - c. Arrest;
  - d. Protective custody resulting from abuse of a child investigation;
  - e. Permission of the parent.
3. In all cases, other than abuse of a child cases, where a student is to be taken from the building by a law enforcement official, the administrator or designee will verify the official's identity and make a reasonable effort to notify the student's parent(s). Law enforcement officials have the primary responsibility for notifying the parent(s) in such instances. Administrators must request law enforcement officials to complete the appropriate form provided by the district. (See KN-AR(2) - Investigations Conducted on District Premises)

## **Abuse of a Child InvestigationsInvestigation**

Any investigation of abuse of a child will be directed by the Oregon Department of Human Services (DHS) or law enforcement officials as required by law. The DHS or law enforcement agency will first notify the administrator of the investigation, unless the administrator is a subject of the investigation. The administrator or designee must request the investigating official fill out the appropriate form (See GBNAB/JHFE-AR(2) - Abuse of a Child Investigations Conducted on District Premises). If the investigating official refuses to fill out or sign the form, the administrator may complete the form but should not deny the official's request to interview the student on school property. If the investigating official does not have adequate identification the administrator or designee shall refuse access to the student. The administrator or designee may be present at the interview of the student at the discretion of the investigating official. When the subject matter of the interview or investigation involves abuse of a child, administrators and school employees shall not notify the parentsparent.

## **Administrator-Initiated Requests**

On occasion, principalsadministrators may need, or be required to seek law enforcement assistance. Any student violation of the district's weapons policy shall be reported to the appropriate law enforcement agency. Abuse of a child also requires immediate referral to the DHS or law enforcement officials. Additionally, principalsadministrators and/or designee(s) may report to law enforcement officials, other violations of law occurring on district property or at school-sponsored activities, as deemed appropriate.

Corrected 7/16/24

# Clatskanie School District 6J

Code: **KN-AR(2)**  
Revised/Reviewed: 1/22/18  
Orig. Code(s): KN-AR(2)

## Investigations Conducted on District Premises

When an administrator is notified that law enforcement would like to interview a student at school for the purpose of an investigation that is not related to abuse of a child, the administrator must request that the investigating official provide the information below. Failure to meet one of the five criteria may result in the administrator's refusal to allow the student interview on district property.

I, \_\_\_\_\_ (Name) of \_\_\_\_\_ (Agency)  
declare that I have the authority to conduct this student interview based on the following:

1. ☐ Warrant (attach copy)
2. ☐ Court order (attach copy)
3. ☐ Exigent circumstances (briefly describe): \_\_\_\_\_  
\_\_\_\_\_
4. Parental consent  
  
Parent or guardian's name: \_\_\_\_\_  
Date consent granted: \_\_\_\_\_
5. This interview is not considered a "seizure" pursuant to state and federal law.

\_\_\_\_\_  
Signature of interviewer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of student to be interviewed

\_\_\_\_\_  
Date of interview

- ☐ Student not available for interview  
☐ Student refused to be interviewed

\_\_\_\_\_  
Name of school official (administrator/  
designee) receiving this form

This form should be placed in a separate file and not in student's educational record file.

# Clatskanie School District 6J

Code: **LBE**  
Adopted: 3/08/21  
Orig. Code(s): LBE

## Public Charter Schools\*\*

Public charter schools may be established as a new public school or a virtual public school, from one or more existing public schools in the district or a portion of the school, or from an existing alternative education program. A public charter school may not convert an existing tuition-based private school into a charter school, affiliate itself with a nonpublic sectarian school or religious institution, or encompass all the schools in the district unless the district is composed of only one school.

Public charter schools shall demonstrate a commitment to the mission and diversity of public education while adhering to the following goals:

1. Increase student learning and achievement;
2. Increase choices of learning opportunities for students;
3. Better meet individual student academic needs and interests;
4. Build stronger working relationships among educators, parents and other community members;
5. Encourage the use of different and innovative learning methods;
6. Provide opportunities in small learning environments for flexibility and innovation;
7. Create new professional opportunities for teachers;
8. Establish additional forms of accountability for schools; and
9. Create innovative measurement tools.

An applicant must submit a complete public charter school proposal that meets the requirements of Oregon law, and includes other information required by the district in the application process. The public charter school will be located and operated within the sponsoring district except where authorized by law.

The public charter school employer will be determined with each proposal. If the district is the employer, the terms of the current collective bargaining agreement will be examined to determine which parts of the agreement apply. If the district is not the sponsor of the public charter school, the district shall not be the employer and will not collectively bargain with public charter school employees.

The district will determine if it has any vacant or unused buildings and make a list of such buildings; buildings may be made available for public charter school use, subject to Board approval and Board policy.

Public charter school students may, upon request, be allowed to participate in district programs such as physical education, instrumental and vocal music offerings, or other selected options if space and materials

are available.<sup>1</sup> Students must adhere to state law, Board policies, regulations, and rules concerning student conduct and discipline.

Public charter school students in grades K-8 may participate in their resident district's activities that are offered before or after regular school hours. Public charter school students in grades 9-12 may participate in their resident district's available activities that are sanctioned by the Oregon School Activities Association (OSAA) when the requirements found in Oregon law are met.

The district will not provide instructional materials, lesson plans, or curriculum guides for use in a public charter school.

The superintendent will develop administrative regulations to include, but not limited to, the proposal process, review, and appeal procedures, and program evaluation, renewal, and termination.

END OF POLICY

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**Legal Reference(s):**

[ORS 327.077](#)

[ORS 327.109](#)

[ORS 332.107](#)

[ORS 338](#)

[ORS 339.141](#)

[ORS 339.147](#)

[ORS 339.450](#)

[ORS 339.460](#)

[OAR 581-026-0005 - 0710](#)

Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2018).

[Senate Bill 767](#) (2023).

Corrected 7/16/24

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<sup>1</sup> This does not apply to the Oregon law related to OSAA-sanctioned activity participation.

# Clatskanie School District 6J

Code: **LBE-AR**  
Revised/Reviewed: 3/08/21  
Orig. Code(s): LBE-AR

## Public Charter Schools

### 1. Definitions

- a. “Applicant” means any person or group that develops and submits a written proposal for a public charter school to the district.
- b. “Public charter school” means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between the district and an applicant.
- c. “Virtual public charter school” means a public charter school that provides online courses, but does not primarily serve students in a physical location as described in Oregon Administrative Rule (OAR) 581-026-0300.
- d. “Remote and necessary school district” means a school district that offers kindergarten through grade 12 and has: (a) an average daily membership (ADM), as defined in Oregon Revised Statute (ORS) 327.006, in the prior fiscal year of less than 110; and (b) a school that is located, by the nearest traveled road, more than 20 miles from the nearest school or from a city with a population of more than 5,000.
- e. “Sponsor” means the district or Board.

### 2. Proposal Process

- a. An applicant will issue a written statement of its intent to submit a proposal not less than 30 days prior to the submission date outlined below.
- b. An applicant shall submit a complete proposal for sponsorship of a public charter school by the Board, including items outlined in ORS 338.045, and any additional requirements as are required in the Board’s application for sponsorship, to the district office no less than 180 days prior to the proposed starting date of the proposed public charter school ~~by October 15 during the hours the district office is open to the public for a start date in a subsequent school year.~~ The applicant shall also submit a copy of the same proposal to the State Board of Education.
- c. The district will complete the review process as outlined in Section 3 below.
- d. As part of the proposal, each member of the proposed public charter school’s governing body must provide an acknowledgment of understanding of the standards of conduct and the liabilities of a director of a nonprofit organization, as described in ORS Chapter 65, if the public charter school is organized as required by ORS 338.035(2)(a)(B) and (C).

### 3. Proposal Review Process

- a. Within 30 business days of receipt of a proposal, the district will notify the applicant as to the completeness of the proposal.
  - (1) If the Board determines the proposal is incomplete, the district will identify the specific elements of the proposal that are not complete and provide the applicant with a reasonable opportunity, as determined by the Board, to complete the proposal.

- (2) If after given a reasonable opportunity the applicant does not complete the required elements, the Board may disapprove<sup>1</sup> the proposal.
  - (3) An applicant, ~~which~~ that has had a proposal disapproved pursuant to section (2) may appeal the Board's decision to the State Board of Education within 30 days of the disapproval.
  - (4) A good faith disapproval is not a denial for purposes of requesting a review by the State Board of Education under ORS 338.075.
- b. Within 60 days after the receipt of a completed proposal, or a final order issued by the Superintendent of Public Instruction remanding the proposal to the Board for consideration following a decision on an appeal, the Board shall hold a public hearing on the provisions of the public charter school proposal.
  - c. The Board must evaluate a proposal in good faith using the following criteria:
    - (1) The demonstrated sustainable support for the proposed charter school by teachers, parents, students and other community members, including comments received at the public hearing;
    - (2) The demonstrated financial stability of the proposed public charter school including the demonstrated ability of the school to have a sound financial management system that
    - (3) is in place at the time the school begins operating and meets requirements of ORS 338.095(1);
    - (4) The capability of the applicant, in terms of support and planning, to provide comprehensive instructional programs;
    - (5) The capability of the applicant, in terms of support and planning, to provide comprehensive instructional programs to students identified as academically low achieving;
    - (6) The adequacy of the information provided as required in the proposal criteria;
    - (7) Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact<sup>2</sup> on the quality of the public education of students residing in the district in which the public charter school will be located.
    - (8) Whether there are arrangements for any necessary special education and related services for students with disabilities;
    - (9) Whether there are alternative arrangements for students, teachers and other school employees who choose not to attend or who choose not to be employed by the public charter school; and
    - (10) The prior history, if any, of the applicant in operating a public charter school or in providing educational services.
  - d. The Board must either approve or deny the proposal within 30 days of the public hearing. Written notice of the Board's action shall be sent to the applicant by the district.
    - (1) If approved, the applicant shall also submit a copy of the approval to the State Board of Education.

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<sup>1</sup> The term "disapprove" is used for a proposal that is rejected due to being incomplete. See ORS 338.055(1)(c).

<sup>2</sup> A determination of whether an impact is directly identifiable, significant and adverse may include, but is not limited to student enrollment, student-teacher ratios, staff with requisite licensure or endorsement, student learning and performance, specialty programs, financial considerations, and maintenance capabilities.



- (2) If denied, the notice must include the reasons for the denial with suggested remedial measures. The Board shall provide a reasonable opportunity for the applicant to amend and resubmit the proposal. The Board must either approve or deny the resubmitted proposal within 30 days of receipt. The Board may, with good cause, request an extension in the approval process timelines from the State Board of Education.
- e. If the Board denies the resubmitted proposal, the process ends. An applicant whose resubmitted proposal is not approved by the Board may request a review of that decision to the State Board of Education within 30 days of the disapproval.

#### 4. Terms of the Charter Agreement

- a. Upon the approval of a proposal by the Board, the applicant, in cooperation with the district, must prepare and execute a written charter agreement, subject to Board approval, which shall act as the legal authorization for the establishment of the public charter school.
- b. The charter agreement shall be legally binding and must be in effect for a period of not more than five years but may be renewed by the Board.
- c. The Board and the public charter school may amend a charter agreement through joint agreement.
- d. The agreement shall incorporate the elements of the approved proposal, will address the requirements outlined in OAR 581-026-0100(2) and any additional requirements that may apply to the public charter school including, but not limited to, the following:

- (1) Pregnant and parenting students (ORS 336.640);
- (2) English language learners (ORS 336.079);
- (3) Student conduct (ORS 339.250);
- (4) Alcohol and drug abuse policy and plan (ORS 336.222);
- (5) Oregon Report Card (ORS 329.115);
- (6) Employment status of public charter school employees pursuant to ORS 338.135;
- (7) Student enrollment, application procedures and whether the public charter school will admit nonresident students and on what basis pursuant to ORS 338.125.<sup>3</sup>
- (8) Transportation of students shall comply with ORS 338.145;
- (9) The plan for performance bonding or insuring the public charter school sufficient to protect the public charter school and the district from loss and liability and comply with Oregon law. Documentation shall be submitted prior to agreement approval.

- e. If the district and the public charter school enter a cooperative agreement with other school districts for the purpose of forming a partnership to provide educational services, then the agreement must be incorporated into the charter of the public charter school.

#### 5. Public Charter School Operation

<sup>3</sup> Student enrollment shall be voluntary. A public charter school may not limit student enrollment based on ethnicity, national origin, race, religion, disability, sex, sexual orientation, gender identity,<sup>3</sup> income level, the terms of an individualized education program, proficiency in the English language or athletic ability but may limit admission within a given age group or grade level. A public charter school must select students through , and may implement an equitable lottery selection process if the number of student applicants exceeds applications for enrollment exceed the capacity of a program, class, grade level or building. A public charter school may implement a weighted lottery that favors historically underserved students and may give priority for admission pursuant to students when in accordance with ORS 338.125(3)(c) (as amended by HB 2954 (2021)).

- a. The public charter school shall operate at all times in accordance with the laws and rules governing public charter school operation in the state of Oregon, including but not limited to, ORS Chapter 338 and applicable OAR Chapter 581 Division 22, and the charter agreement.
- b. Upon application by the public charter school, the State Board of Education may grant a waiver of certain public charter school law provisions if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. This waiver request must specify the reasons the public charter school is seeking the waiver and further requires the public charter school to notify the sponsor if a waiver is being considered.

#### 6. Virtual Public Charter School Operation

In addition to the other requirements for a public charter school, a virtual public charter school must comply with additional requirements pursuant to ORS 338.120.

#### 7. Charter Agreement Review

- a. The public charter school shall report at least annually on the performance of the school and its students to ODE and the district.
- b. The public charter school shall be audited annually in accordance with the Municipal Audit Law. After the audit, the public charter school shall forward a copy of the annual audit to ODE and the following to the sponsoring district:
  - (1) A copy of the annual audit;
  - (2) Any statements from the public charter school that show the results of operations and transactions affecting the financial status of the public charter school during the preceding annual audit period for the school; and
  - (3) A balance sheet containing a summary of the assets and liabilities of the public charter school as of the closing date of the preceding annual audit period for the school.
- c. The district may request at any time an acknowledgment from each member of the public charter school board that the member understands the standards of conduct and liabilities of a director of a nonprofit organization, as those standards and liabilities are described in ORS Chapter 65.
- d. The public charter school shall submit to the district [quarterly] financial statements that reflect the school's financial operations. The report shall include, but not be limited to, revenues, expenditures, loans and investments.

#### 8. Authorizing Duties

- a. The district shall designate a liaison to the public charter school for ease of communication between the district and the public charter school.
- b. The district shall ensure at all times that both the public charter school and the district are in compliance with the charter agreement, as per ORS 338.065(2).
- c. The district shall conduct:
  - (1) A comprehensive annual visit to the public charter school and written evaluation of the charter school's program, which should include an audit of the public charter school's academic, financial, and operational performance.

- (2) A review of public charter school staff credentials to ensure that public charter school staff are properly licensed and/or registered with TSPC.
- (3) A collection and review of all deliverables specified in the agreement.
- (4) A review of data to ensure the public charter school is making progress on reasonable, measurable written goals for academic, financial, and operational performance.
- (5) A review to ensure the public charter school is providing appropriate services to students who qualify, e.g., English learner supports.

## 9. Complaints Heard by the Charter School Board

A final decision reached by the public charter school board for a complaint that alleges a violation of ORS 339.285 - 339.303 or OAR 581-021-0550 - OAR 581-021-0570 (Restraint or Seclusion), ORS 659.850 (Discrimination), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards), ~~is recognized as the final decision regarding this complaint~~<sup>4</sup> will be reviewed by the Board of Clatskanie School District 6J. A complainant may appeal and will submit such appeal to the superintendent on behalf of the Board of Clatskanie School District within 30 days of receipt of the decision from the public charter school board. A final decision reached by the Board of Clatskanie School District 6J may be appealed to the Oregon Department of Education under OAR 581-002-0003 - 581-002-0005.

## 10. Charter School Renewal

- a. The first renewal of a charter agreement shall be for the same time period as the initial charter. Subsequent renewals of a charter agreement shall be for a minimum of five years but may not exceed 10 years.
- b. The Board and the public charter school shall follow the timeline listed below, unless a different timeline has been agreed upon by the Board and the public charter school:
  - (1) The public charter school board shall submit a written renewal request to the Board for consideration at least 180 days prior to the expiration of the charter agreement;
  - (2) Within 45 days after receiving a written renewal request from a public charter school, the Board shall hold a public hearing regarding the renewal request;
  - (3) Within 30 days after the public hearing, the Board shall approve the charter renewal or state in writing the reasons for denying charter renewal;
  - (4) If the Board approves the charter renewal, the district and the public charter school shall negotiate a new charter agreement within 90 days unless the district and the public charter school agree to an extension of the time period. Notwithstanding the time period specified in the charter agreement, an expiring charter agreement shall remain in effect until a new charter agreement is negotiated;
  - (5) If the Board does not renew the charter agreement, the public charter school board may address the reasons stated for denial of the renewal and any remedial measures suggested by the district and submit a revised request for renewal to the Board;
  - (6) If the Board does not renew the charter agreement based on the revised request for renewal the public charter school may appeal the Board's decision to the State Board of Education for a review of whether the Board used the process required by Oregon law in denying the charter agreement renewal pursuant to ORS 338.065(6).

<sup>4</sup> The public charter school board is given this authority by the district Board as established by Board policy.

- (7) The Board shall base the charter agreement renewal decision on a good faith evaluation pursuant to ORS 338.065(8) and shall base the renewal evaluation described primarily on a review of the public charter school's annual performance reports, annual audit of accounts and annual site visit and review as required by ORS 338.095 and any other information mutually agreed upon by the public charter school board and the Board.

For purposes of this section, the phrase "good faith evaluation" means an evaluation of all criteria required by ORS 338.065 resulting in a conclusion that a reasonable person would come to who is informed of the law and the facts before that person.

## 11. Charter School Termination

- a. The public charter school may be terminated by the Board for any of the following reasons:
  - (1) Failure to meet the terms of an approved charter agreement or any requirement of ORS Chapter 338 unless waived by the State Board of Education.
  - (2) Failure to meet the requirements for student performance as outlined in the charter agreement.
  - (3) Failure to correct a violation of federal or state law that is described in ORS 338.115.
  - (4) Failure to maintain insurance as described in the charter.
  - (5) Failure to maintain financial stability.
  - (6) Failure to maintain, for one or more consecutive years, a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under ORS 338.065.
  - (7) Failure to maintain the health and safety of the students.
- b. If a public charter school is terminated by the Board for any reason listed in sections a.(1) through a.(6) above, the following shall occur:
  - (1) The Board shall give the public charter school board, at least 60 days prior to the proposed effective date of termination, written notification of its decision which shall state the grounds for termination.
  - (2) If the grounds for termination include failure to maintain financial stability or failure to maintain a sound financial management system, the Board and the public charter school may agree to develop a plan to correct deficiencies. The plan to correct deficiencies will follow a process outlined in ORS 338.105.
  - (3) The public charter school may request a hearing with the Board in relation to a termination or a plan to correct deficiencies. The request must be made in writing and delivered to the business address of the district.
  - (4) Following a hearing, a decision reached by the Board to terminate may be appealed by the public charter school to the State Board of Education.
- c. The Board may terminate a charter immediately and close the public charter school for endangering the health or safety of the students enrolled in the public charter school under ORS 338.105(4):
  - (1) A public charter school board may request, in writing and delivered to the business address of the district, a hearing with the Board.
  - (2) Within 10 days of receiving the request for a hearing, the Board must hold a hearing on the termination.

- (3) If the Board acts to terminate the charter following the hearing, the public charter school may appeal the decision reached by the Board to the State Board of Education.
  - (4) The public charter school will remain closed during the appeal process at the discretion of the Board unless the State Board of Education orders the Board not to terminate and to re-open the public charter school.
- d. If the charter agreement is terminated or a public charter school is closed or dissolved by the governing body of the public charter school, it shall be done only at the end of a semester and the public charter school board shall notify the district at least 180 days prior to the proposed effective date of the termination, closure or dissolution. Such notice must be made in writing and be delivered to the business address of the district.
  - e. If a charter agreement is terminated or a public charter school is dissolved, assets that were obtained with grant funds will be dispersed according to the terms of the grant. If the grant is absent any reference to ownership or distribution of assets of a terminated, closed or dissolved public charter school, all assets will be given to the State Board of Education for disposal.

Corrected 7/16/24

# Clatskanie School District 6J

Code: LBEA  
Adopted: 3/08/21  
Orig. Code(s): LBEA

## Resident Student Denial for Virtual Public Charter School Attendance\*\*

The district is not required to approve a transfer of a resident student, when more than three percent of the students residing in the district are attending a virtual public charter school not sponsored by the district. The district will semiannually, by November 1 and April 1, calculate the percentage of the number of students residing in the district, who are attending enrolled in a virtual public charter school not sponsored by the district. When the established percentage is more than three percent, the district will not approve additional students enrollment to such a virtual public charter school, subject to the requirements in Oregon Administrative Rule (OAR) 581-026-0305(2).

The district may send a notice of approval or disapproval to a parent<sup>1</sup> of a student who has sent a notice to the district of intent to enroll the student in a virtual public charter school not sponsored by the district (See OAR 581-026-0305(3)). The district may respond with an approval or disapproval to a parent within eight business days of receipt of the notice from the parent.

A parent must give notice to the district of intent to enroll their student in a virtual public charter school not sponsored by the district, before enrolling their student in such a school and notice of actual enrollment.

If the district is not approving the enrollment, the district must respond with a decision to not give approval within 10 calendar days of receipt of the notice of intent from the parent. Such decision must include:

1. The percentage of students in the district that attend virtual public charter schools that are not sponsored by the district, based on recent calculations;
2. The right to appeal the decision to the State Board of Education;
3. A list of two or more other online options available to the student; and
4. A copy of OAR 581-026-0305 and OAR 581-026-0310.

The district is only required to use data that is reasonably available to the district, including but not limited to the following for such calculation:

1. The number of students residing in the district enrolled in the schools within the district;
2. The number of students residing in the district enrolled in public charter schools located in the district;

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<sup>1</sup> “Parent” means parent, legal guardian or person in “parental relationship” as defined in Oregon Revised Statute (ORS) 339.133.

3. The number of students residing in the district enrolled in virtual public charter schools;
4. The number of home-schooled students who reside in the district and who have registered with the educational service district; and
5. The number of students who reside in the district enrolled in private schools located within the school district.

A parent may appeal a decision of a district to not approve a student enrollment to a virtual public charter school to the State Board of Education under OAR 581-026-0310.

If the student was enrolled in a virtual public charter school while living in another district and has maintained continuous enrollment in such school since moving into, and residing in this district, approval is not required.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.107](#)

[ORS 338.125](#)

[OAR 581-026-0305](#)

[OAR 581-026-0310](#)

[House Bill 3204](#) (2023).

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