



Oregon Compilation of School Discipline Laws and Regulations

Prepared: June 30, 2022

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of June 2022. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:



**National Center on Safe Supportive
Learning Environments**

Engagement • Safety • Environment

Table of Contents

- Oregon Codes Cited..... 1**
- Codes of Conduct..... 6**
 - Authority to Develop and Establish Codes of Conduct 6
 - Scope 11
 - Communication of Policy 13
- In-School Discipline..... 16**
 - Discipline Frameworks..... 16
 - Teacher Authority to Remove Students From Classrooms 19
 - Alternatives to Suspension 20
- Conditions on Use of Certain Forms of Discipline..... 24**
 - Corporal Punishment 24
 - Search and Seizure 25
 - Restraint and Seclusion 25
- Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement..... 38**
 - Grounds for Suspension or Expulsion 38
 - Limitations or Conditions on Exclusionary Discipline..... 43
 - Due Process 49
 - Return to School Following Removal..... 51
 - Alternative Placements 52
- Discipline Addressing Specific Code of Conduct Violations 65**
 - Firearms and Other Weapons Violations..... 65
 - Students with Chronic Disciplinary Issues 72
 - Chronic Absenteeism and Truancy..... 77
 - Substance Use 86
 - Gang-related Activity 89
 - Bullying, Harassment, or Hazing 89
 - Dating and Relationship Violence..... 94
- Prevention, Behavioral Intervention, and Supports 96**
 - State Model Policies and Implementation Support..... 96
 - Multi-tiered Frameworks and Systems of Support 97
 - Prevention..... 98
 - Social-emotional Learning (SEL) 101
 - Trauma-informed Practices 102
 - Mental Health Literacy Training 102
 - School-based Behavioral Health Programs 102
- Monitoring and Accountability 104**
 - Formal Incident Reporting of Conduct Violations 104
 - Parental Notification..... 111
 - Data Collection, Review, and Reporting of Discipline Policies and Actions 117
- Partnerships between Schools and Law Enforcement 121**

Referrals to Law Enforcement	121
School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification	133
Authorizations, Memoranda of Understanding (MOUs), and/or Funding.....	133
Threat Assessment Protocols.....	134
State-Sponsored, Publicly Available Websites or Other Resources on School Discipline	138

Oregon State Codes Cited

[Oregon Revised Statutes](#)

Volume 04. Criminal Procedure Crimes - Chapters 131-170

Section 16. Crimes and Punishments - Chapters 161-169

[Chapter 161. General Provisions](#)

Justification

161.205. Use of physical force generally

[Chapter 166. Offenses Against Public Order; Firearms and Other Weapons; Racketeering](#)

Possession of Weapon or Destructive Device in Public Building or Court Facility

166.370. Possession of firearm or dangerous weapon in public building or court facility; exceptions; discharging firearm at school

Volume 09. Education and Culture - Chapters 326-360

Section 30. Education and Culture - Chapters 326-360

[Chapter 329. Oregon Educational Act for the 21st Century; Educational Improvement and Reform](#)

Improvements in Student Achievement

(Assessing Effectiveness of Schools and Districts)

329.095. School district and school self-evaluations; local district continuous improvement plans; technical assistance

(Education Plan)

329.841. Culturally specific statewide education plan; advisory group; report; grants; rules

[Chapter 327. State Financing of Elementary and Secondary Education](#)

High School Graduation and College and Career Readiness Act

327.871. Portion of funds for dropout-prevention strategies in high schools

[Chapter 332. Local Administration of Education](#)

Board Organization and Meetings

332.061. Hearing to expel minor students or to examine confidential records; exceptions to public meetings law

Personnel

332.531. Law enforcement agency; personnel as peace officers

[Chapter 336. Conduct of Schools Generally](#)

Additional Programs

336.109. Policy to reduce gang involvement, violent activities and drug abuse

Disclosure of Personal Information about Student

336.187. When school authorized to disclose information about student; immunity of recipient

Alcohol and Drug Abuse Program

336.222. District policy and plan; content

336.235. State board rules

Residential Programs; Youth Care Centers; Detention and Corrections Education Programs

336.580. Education at youth care centers; rules

336.585. Education for children enrolled in Juvenile Detention Education Program; costs; rules; notification to resident district

336.590. Education for children enrolled in Youth Corrections Education Program; costs; rules

Alternative Education Programs

336.615. Definition for ORS 336.615 to 336.665

336.625. Goals; district responsibility; registration; rules

336.631. Private alternative programs; requirements; applicability of laws; placement of students

336.635. Enrollment in alternative education program; billing; rules; status of teachers

336.637. Instruction in educational standards required; assessment of students in private alternative education programs

336.645. Notification of availability of program; rules

336.665. Effect of failure to propose alternative programs

Chapter 339. School Attendance; Admission; Discipline; Safety

Compulsory School Attendance

339.055. Duties of attendance supervisors

339.071. Attendance notification policy

339.080. Nonattendance notice to parents, school officials and parole or probation officer

339.090. Determination of compliance; notice to district superintendent

339.095. Compulsory school attendance violation procedure; rules

Student Conduct and Discipline

339.240. Rules of student conduct, discipline and rights; duties of state board and district school boards

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies

Restraint and Seclusion

339.285. Definitions for ORS 339.285 to 339.303

339.288. Prohibitions on use of certain restraints

339.291. Use of restraint or seclusion

339.294. Procedures following incident; notification; records

339.297. Annual report

339.300. Training programs

339.303. Rules for complaints, investigations and seclusion rooms

339.308. Seclusion cell prohibition

School Safety

(Coordination and Information Sharing)

- 339.312. Safe school alliance
- 339.315. Report required if person has unlawful firearm or destructive device; immunity; law enforcement investigation required
- 339.317. Notice to school district of person charged with crime; immunity
- 339.319. Notice to school district of person convicted of crime; immunity
- 339.321. Notice to school district and law enforcement agencies of release or discharge of person; immunity
- 339.323. Disclosure of information regarding person charged with or convicted of crime or regarding release or discharge of person; immunity
- 339.326. Actions after receipt of notice under ORS 419A.305; transfers from outside state; enrollment in other school or program; confidentiality of information; use of information; immunity
- 339.327. Notification required if person possesses threatening list or when threats of violence or harm made; immunity
- 339.329. Statewide tip line to report information concerning threats or potential threats to student safety; rules

(Center for School Safety)

- 339.331. Mission; duties; annual report; staff; funding

(Student Safety and Suicide Prevention)

- 339.341. Statewide school safety and prevention system; rules
- 339.343. Comprehensive district plans on student suicide prevention; rules

(Harassment, Intimidation and Bullying)

- 339.351. Definitions for ORS 339.351 to 339.364
- 339.353. Findings
- 339.356. District policy required
- 339.362. Retaliation against victims and witnesses prohibited; school employee immunity
- 339.364. Victim may seek redress under other laws

(Teen Dating Violence and Domestic Violence)

- 339.366. Required policy on teen dating violence and domestic violence

Miscellaneous

- 339.883. Possession of tobacco products or inhalant delivery systems by person under 21 prohibited at certain facilities

[Chapter 342. Teachers and Other School Personnel](#)

Educator Advancement Council

[Chapter 343. Special Education](#)

- 343.155. Procedures to protect rights of child with disability; rules

Oregon Regulations

Oregon Administrative Rules

Chapter 257: Department of State Police

Division 95: School Safety Tip Line Program

<u>257-095-0000.</u>	Purpose of rules
<u>257-095-0010.</u>	Authority
<u>257-095-0030.</u>	Definitions
<u>257-095-0040.</u>	Responsibilities
<u>257-095-0050.</u>	Incident reportable through the School Safety Tip Line Program
<u>257-095-0060.</u>	Receipt of tips of reportable incidents
<u>257-095-0070.</u>	Tip examination, classification and referrals
<u>257-095-0080.</u>	Information confidentiality and disclosure
<u>257-095-0090.</u>	Anonymity
<u>257-095-0100.</u>	Reporting and data analysis

Chapter 581: Oregon Department of Education

Division 15: Special Education

<u>581-015-2405.</u>	Disciplinary removals for up to 10 school days for children with disabilities
<u>581-015-2410.</u>	Additional disciplinary removals of up to 10 school days each (no pattern)
<u>581-015-2415.</u>	Disciplinary removals of more than 10 school days (pattern or consecutive)
<u>581-015-2420.</u>	Manifestation determination
<u>581-015-2425.</u>	Removal to an interim alternative educational setting by school district

Division 20: School Improvement and Professional Development

<u>581-020-0631.</u>	Definitions: Chronic absenteeism
<u>581-020-0634.</u>	Chronic absenteeism support program
<u>581-020-0637.</u>	Identifying school districts with a high rate of chronic absenteeism
<u>581-020-0640.</u>	Regional Consortia
<u>581-020-0643.</u>	Selecting school districts to receive targeted assistance
<u>581-020-0646.</u>	Targeted assistance
<u>581-020-0649.</u>	Chronic absenteeism coaches

Division 21: School Governance and Student Conduct

<u>581-021-0050.</u>	Minimum standards for student conduct and discipline
<u>581-021-0055.</u>	Standards of conduct
<u>581-021-0060.</u>	Discipline procedures, prohibition of corporal punishment
<u>581-021-0061.</u>	Corporal punishment
<u>581-021-0065.</u>	Suspension
<u>581-021-0070.</u>	Expulsion
<u>581-021-0071.</u>	District information for parents and students regarding the availability of alternative education programs
<u>581-021-0072.</u>	Registration of private alternative programs/schools
<u>581-021-0073.</u>	Denial, suspension, or revocation of registration of private alternative program/school procedure
<u>581-021-0075.</u>	Distribution
<u>581-021-0077.</u>	Compulsory attendance notices and citation

581-021-0081.	Student absences
581-021-0110.	Tobacco free schools
581-021-0200.	Standard education for Oregon students
581-021-0225.	Records of law enforcement units
581-021-0550.	Definitions: Restraint and seclusion
581-021-0553.	Use of restraint and seclusion in public education programs
581-021-0556.	Procedures regarding restraint & seclusion
581-021-0563.	Approval of restraint and seclusion training programs for school staff
581-021-0566.	Required use of approved restraint and seclusion programs
581-021-0568.	Standards for seclusion rooms
581-021-0569.	Use of seclusion cells prohibited
581-021-0570.	Complaint procedures

Division 22. Standards for Public Elementary and Secondary Schools

581-022-2060.	Comprehensive school counseling
581-022-2250.	District improvement plan
581-022-2267.	Annual report on use of restraint and seclusion
581-022-2310.	Equal education opportunities
581-022-2312.	Every Student Belongs
581-022-2505.	Alternative education programs

Division 29. Mental and Physical Health and Safety

281-029-0001.	School safety and prevention system
-------------------------------	-------------------------------------

Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

336.235. State board rules.

In order to carry out the duties described in ORS 336.222 and 336.227, the State Board of Education, in consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, shall adopt by rule, as a minimum, descriptions of the content of what shall be included in the policy and plan described in ORS 336.222 and 336.227.

339.240. Rules of student conduct, discipline and rights; duties of state board and district school boards.

(1) The State Board of Education in accordance with ORS chapter 183 shall adopt rules setting minimum standards for pupil conduct and discipline and for rights and procedures pertaining thereto that are consistent with orderly operation of the educational processes and with fair hearing requirements. The rules shall be distributed by the Superintendent of Public Instruction to all school districts.

(2) Every district school board shall adopt and attempt to give the widest possible distribution of copies of reasonable written rules regarding pupil conduct, discipline and rights and procedures pertaining thereto. Such rules must comply with minimum standards adopted by the State Board of Education under subsection (1) of this section.

(3) Every district school board shall enforce consistently and fairly its written rules regarding pupil conduct, discipline and rights. This subsection does not apply to a pupil who is eligible for special education as a child with a disability under ORS 343.035.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority.

(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:

(a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:

(A) Willful disobedience;

(B) Open defiance of the authority of a school employee;

(C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;

(D) Use or display of profane or obscene language;

(E) Willful damage or injury to school property;

(F) Use of threats, intimidation, harassment or coercion against a student or a school employee;

(G) Assault of a school employee or another student; or

(H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.

(b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.

(c) Must limit the use of expulsion to the following circumstances:

- (A) For conduct that poses a threat to the health or safety of students or school employees;
- (B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
- (C) When the expulsion is required by law.

(d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:

- (A) For nonaccidental conduct causing serious physical harm to a student or school employee;
- (B) When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or
- (C) When the suspension or expulsion is required by law.

(e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.

339.356. District policy required.

(1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.

(2) School districts must include in the policy:

- (a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.
- (b) Definitions of "harassment," "intimidation" or "bullying" and of "cyberbullying" that are consistent with ORS 339.351.
- (c) Definitions of "protected class" that are consistent with ORS 174.100 and 339.351.
- (d) A statement of the scope of the policy, including a notice that the policy applies to behavior at school-sponsored activities, on school-provided transportation and at any official school bus stop.
- (e) A description of the type of behavior expected from each student.
- (f) A procedure that is uniform throughout the school district for reporting an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall:
 - (A) Identify by job title the school officials responsible for receiving such a report at a school.
 - (B) Require a school employee to report an act of harassment, intimidation or bullying or an act of cyberbullying to a person identified under subparagraph (A) of this paragraph.
 - (C) Require the school official identified under subparagraph (A) of this paragraph to notify the parents or guardians of a student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying and the parents or guardians of a student who may have conducted an act of harassment, intimidation or bullying or an act of cyberbullying. Notification must occur with involvement and consideration of the needs and concerns of the student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying. For the purposes of this subparagraph:

(i) Notification is not required under this subparagraph if the school official reasonably believes notification could endanger the student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying or if all of the following occur:

(I) The student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying requests that notification not be provided to the student's parents or guardians;

(II) The school official determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying; and

(III) The school official informs the student that federal law may require the student's parents or guardians to have access to the student's education record, including any requests made as provided by this sub-subparagraph.

(ii) If the school official does not make the determination described in sub-subparagraph (i)(II) of this subparagraph, the school official must inform the student of that determination prior to providing notification.

(iii) When notification is provided under this subparagraph, the notification must occur:

(I) Within a reasonable period of time; or

(II) Promptly, for acts that caused physical harm to the student

(D) Identify any remedial action that may be imposed on a school employee for failure to make a report as required by subparagraph (B) of this paragraph.

(E) Allow a student or volunteer to report an act of harassment, intimidation or bullying or an act of cyberbullying voluntarily and anonymously to a person identified under subparagraph (A) of this paragraph. Nothing in this subparagraph may be construed to permit remedial action solely on the basis of an anonymous report.

(g) A procedure that is uniform throughout the school district for prompt investigation of a report of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for investigating such a report.

(h) A procedure by which a person may request a school district to review the actions of a school in responding to a report of an act of harassment, intimidation or bullying or an act of cyberbullying or investigating such a report.

(i) A statement of the manner in which a school and a school district will respond after an act of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and, if applicable, confirmed.

(j) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying or an act of cyberbullying.

(k) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation.

(L) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimidation or bullying or as a means of cyberbullying.

(m) A statement of how the policy is to be publicized within the district. At a minimum, a school district shall make the policy:

(A) Annually available to parents, guardians, school employees and students in a student or employee handbook; and

(B) Readily available to parents, guardians, school employees, volunteers, students, administrators and community representatives at each school office or at the school district office and, if available, on the website for a school or the school district.

(n) The identification by job title of school officials and school district officials responsible for ensuring that the policy is implemented.

(3) A school district that does not comply with the requirements of this section is considered nonstandard under ORS 327.103.

343.155. Procedures to protect rights of child with disability; rules.

The State Board of Education shall establish by rule procedures to protect the rights of every child with a disability who is eligible for special education and every child who there is a reasonable cause to believe has a disability, including:

(5) Rules prescribing standards and procedures for disciplinary actions for behavior or misconduct of a child with a disability.

REGULATIONS

581-021-0050. Minimum standards for student conduct and discipline.

(1) School district boards shall prepare written rules of pupil conduct and discipline that shall include, but not necessarily be limited to, the following topics:

- (a) Assembly of students;
- (b) Dress and grooming;
- (c) Motorized and nonmotorized vehicles;
- (d) Search and seizure;
- (e) Attendance;
- (f) Freedom of expression;
- (g) Alcohol, drugs, and tobacco;
- (h) Student records;
- (i) Discipline, suspension, and expulsion.

(2) School district rules pertaining to these topics shall include statements on student rights, responsibilities, and conditions which create a need for these rules.

581-021-0060. Discipline procedures, prohibition of corporal punishment.

(1) School district boards shall establish fair and reasonable procedures for discipline, suspension, or expulsion.

(2) No student in Oregon shall be subjected to corporal punishment in any public elementary or secondary school. A school administrator is not authorized to waive the prohibition against corporal punishment based upon the request of a parent or guardian.

581-021-0556. Procedures regarding restraint & seclusion.

(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.

(2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:

- (a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.
- (b) Written documentation of the incident within 24 hours of the incident that provides:

(A) A description of the restraint or seclusion, including:

- (i) The date of the restraint or seclusion;
- (ii) The times when the restraint or seclusion began and ended; and
- (iii) The location of the restraint or seclusion.

(B) A description of the student's activity that prompted the use of restraint or seclusion.

(C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.

(D) The names of the personnel of the public education program who administered the restraint or seclusion.

(E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this rule.

(c) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.

(3) If the personnel of the public education program who administered the restraint or seclusion had not received training from a program approved by the Department of Education, as required and in accordance with OAR 581-021-0563, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent or, if the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program, receive written notification of:

- (a) The lack of training; and
- (b) The reason the restraint or seclusion was administered by a person without training.

(4) A debriefing meeting related to the use of restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel. Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.

(5) If a student is involved in five incidents in a school year involving restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

(6) If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.

(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the following individuals within 24 hours of the incident:

- (a) The district superintendent and, if applicable, the union representative for the affected party; or
- (b) If the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program and, if applicable, the union representative for the affected party.

(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

(9) Pursuant to ORS 161.205 and 339.250, an individual who is a teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303 and OAR 581-021-0553.

(10) District school boards shall adopt written policies to implement restraint and seclusion procedures consistent with and as indicated in ORS 339.285 to 339.308 and OARs 581-021-0550 to 581-021-0570, and shall inform teachers, administrators, school employees and school volunteers of those policies.

581-022-2312. Every Student Belongs.

(1) It is the policy of the State Board of Education that all students, employees, and visitors in public schools are entitled to learn, work, and participate in an environment that is safe and free from discrimination, harassment, and intimidation.

4) To comply with the prohibition on discrimination required by ORS 659.850, each education provider must adopt a policy to address bias incidents and displays of symbols of hate. The policy must:

(a) Affirm that all students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin;

(b) Affirm that all employees of education providers are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin;

(c) Affirm that all visitors of an education provider are entitled to participate in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin;

(d) Prohibit the display of symbols of hate on school property or in an education program; and

(e) Establishes procedures for addressing bias incidents and displays of symbols of hate.

Scope

LAWS

339.356. District policy required.

(1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.

(2) School districts must include in the policy:

(a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.

(b) Definitions of "harassment," "intimidation" or "bullying" and of "cyberbullying" that are consistent with ORS 339.351.

(c) Definitions of "protected class" that are consistent with ORS 174.100 and 339.351.

(d) A statement of the scope of the policy, including a notice that the policy applies to behavior at school-sponsored activities, on school-provided transportation and at any official school bus stop.

(e) A description of the type of behavior expected from each student.

(f) A procedure that is uniform throughout the school district for reporting an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall:

(A) Identify by job title the school officials responsible for receiving such a report at a school.
(B) Require a school employee to report an act of harassment, intimidation or bullying or an act of cyberbullying to a person identified under subparagraph (A) of this paragraph.

(C) Require the school official identified under subparagraph (A) of this paragraph to notify the parents or guardians of a student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying and the parents or guardians of a student who may have conducted an act of harassment, intimidation or bullying or an act of cyberbullying. Notification must occur with involvement and consideration of the needs and concerns of the student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying. For the purposes of this subparagraph:

(i) Notification is not required under this subparagraph if the school official reasonably believes notification could endanger the student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying or if all of the following occur:

(I) The student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying requests that notification not be provided to the student's parents or guardians;

(II) The school official determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying;
and

(III) The school official informs the student that federal law may require the student's parents or guardians to have access to the student's education record, including any requests made as provided by this sub-subparagraph.

(ii) If the school official does not make the determination described in sub-subparagraph (i)(II) of this subparagraph, the school official must inform the student of that determination prior to providing notification.

(iii) When notification is provided under this subparagraph, the notification must occur:

(I) Within a reasonable period of time; or

(II) Promptly, for acts that caused physical harm to the student.

(D) Identify any remedial action that may be imposed on a school employee for failure to make a report as required by subparagraph (B) of this paragraph.

(E) Allow a student or volunteer to report an act of harassment, intimidation or bullying or an act of cyberbullying voluntarily and anonymously to a person identified under subparagraph (A) of this paragraph. Nothing in this subparagraph may be construed to permit remedial action solely on the basis of an anonymous report.

(g) A procedure that is uniform throughout the school district for prompt investigation of a report of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for investigating such a report.

(h) A procedure by which a person may request a school district to review the actions of a school in responding to a report of an act of harassment, intimidation or bullying or an act of cyberbullying or investigating such a report.

(i) A statement of the manner in which a school and a school district will respond after an act of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and, if applicable, confirmed.

(j) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying or an act of cyberbullying.

(k) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation.

(L) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimidation or bullying or as a means of cyberbullying.

(m) A statement of how the policy is to be publicized within the district. At a minimum, a school district shall make the policy:

(A) Annually available to parents, guardians, school employees and students in a student or employee handbook; and

(B) Readily available to parents, guardians, school employees, volunteers, students, administrators and community representatives at each school office or at the school district office and, if available, on the website for a school or the school district.

(n) The identification by job title of school officials and school district officials responsible for ensuring that the policy is implemented.

(3) A school district that does not comply with the requirements of this section is considered nonstandard under ORS 327.103.

REGULATIONS

581-022-2312. Every Student Belongs.

(1) It is the policy of the State Board of Education that all students, employees, and visitors in public schools are entitled to learn, work, and participate in an environment that is safe and free from discrimination, harassment, and intimidation.

4) To comply with the prohibition on discrimination required by ORS 659.850, each education provider must adopt a policy to address bias incidents and displays of symbols of hate. The policy must:

(e) Establish procedures for addressing bias incidents and displays of symbols of hate. The procedures must:

(G) Require the education provider to develop and implement instructional materials to make this policy and related practices, including reporting procedures, educational processes and possible consequences, known to all school employees and students of the education provider.

Communication of Policy

LAWS

339.240. Rules of student conduct, discipline and rights; duties of state board and district school boards.

(1) The State Board of Education in accordance with ORS chapter 183 shall adopt rules setting minimum standards for pupil conduct and discipline and for rights and procedures pertaining thereto that are consistent with orderly operation of the educational processes and with fair hearing requirements. The rules shall be distributed by the Superintendent of Public Instruction to all school districts.

(2) Every district school board shall adopt and attempt to give the widest possible distribution of copies of reasonable written rules regarding pupil conduct, discipline and rights and procedures pertaining thereto. Such rules must comply with minimum standards adopted by the State Board of Education under subsection (1) of this section.

(3) Every district school board shall enforce consistently and fairly its written rules regarding pupil conduct, discipline and rights. This subsection does not apply to a pupil who is eligible for special education as a child with a disability under ORS 343.035.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:

- (a) Defines and helps create a learning environment that students respect;
- (b) Defines acceptable norms of behavior for students and the types of behavior that are subject to discipline;
- (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;
- (d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and
- (e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.

339.356. District policy required.

(1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.

(2) School districts must include in the policy:

- (m) A statement of how the policy is to be publicized within the district. At a minimum, a school district shall make the policy:
 - (A) Annually available to parents, guardians, school employees and students in a student or employee handbook; and
 - (B) Readily available to parents, guardians, school employees, volunteers, students, administrators and community representatives at each school office or at the school district office and, if available, on the website for a school or the school district.

339.366. Required policy on teen dating violence and domestic violence.

(1) As used in this section:

- (a) "Dating" or "dating relationship" means an ongoing social relationship of a romantic or intimate nature between two persons. "Dating" or "dating relationship" does not include a casual relationship or ordinary fraternization between two persons in a business or social context.
- (b) "Domestic violence" means abuse as defined in ORS 107.705 between family and household members, as those terms are defined in ORS 107.705.

(c) "Teen dating violence" means:

(A) A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or

(B) Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

(2) Each school district board shall adopt a policy that:

(a) States that teen dating violence is unacceptable and is prohibited and that each student has the right to a safe learning environment;

(b) Incorporates age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12 and school employees as recommended by the school officials identified under paragraph (d) of this subsection;

(c) Establishes procedures for the manner in which employees of a school are to respond to incidents of teen dating violence that take place at the school, on school grounds, at school-sponsored activities or in vehicles used for school-provided transportation;

(d) Identifies by job title the school officials who are responsible for receiving reports related to teen dating violence, which shall be the same school officials identified in the policy adopted by a school district under ORS 339.356; and

(e) Notifies students and parents of the teen dating violence and domestic violence policies adopted by the board.

(3) The policy adopted under subsection (2) of this section must be included in and consistent with the policy adopted by a school district under ORS 339.356.

REGULATIONS

581-021-0075. Distribution.

(1) School district boards, or designated representatives, shall attempt to give widest possible distribution to their rules of pupil conduct and discipline in order that students may understand the expectations of the district.

(2) School districts shall make reasonable attempts to give a copy of their current rules to each student, and a copy of the current rules shall be posted in a prominent place in the schools of the district.

(3) School districts shall make these rules available to the general public upon request.

In-School Discipline

Discipline Frameworks

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

- (1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority.
- (2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:
 - (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
 - (A) Willful disobedience;
 - (B) Open defiance of the authority of a school employee;
 - (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
 - (D) Use or display of profane or obscene language;
 - (E) Willful damage or injury to school property;
 - (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
 - (G) Assault of a school employee or another student; or
 - (H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.
 - (b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.
 - (c) Must limit the use of expulsion to the following circumstances:
 - (A) For conduct that poses a threat to the health or safety of students or school employees;
 - (B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
 - (C) When the expulsion is required by law.
 - (d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:
 - (A) For nonaccidental conduct causing serious physical harm to a student or school employee;
 - (B) When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or
 - (C) When the suspension or expulsion is required by law.
 - (e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.
 - (f) Must be limited so that:

- (A) The duration of an expulsion may not be more than one calendar year.
 - (B) The duration of a suspension may not be more than 10 school days.
 - (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.
- (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:
- (a) Defines and helps create a learning environment that students respect;
 - (b) Defines acceptable norms of behavior for students and the types of behavior that are subject to discipline;
 - (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;
 - (d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and
 - (e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.
- (4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:
- (a) Staff reporting methods.
 - (b) Provisions that allow an administrator to consider and implement any of the following options:
 - (A) Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.
 - (B) Placing the student in a setting where the behavior will receive immediate attention, including, but not limited to, the office of the school principal, vice principal, assistant principal, counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or the office of any licensed mental health professional.
 - (C) Requiring that a school obtain an evaluation of a student by a licensed mental health professional before allowing the student to return to the classroom setting. A student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. The policy must describe the circumstances under which the district school board may enter into contracts with licensed mental health professionals to perform any evaluations required under this subparagraph.
 - (c) The requirement that an administrator provide to the parent or legal guardian of the student notification that describes the student's behavior and the school's response.
 - (d) A provision for the allocation of any funds necessary for the school district to implement the policies described in this subsection.
- (5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:
- (a) Protect students and school employees from harm;
 - (b) Provide opportunities for students to learn from their mistakes;
 - (c) Foster positive learning communities;
 - (d) Keep students in school and attending class;

- (e) Impose disciplinary sanctions without bias against students from a protected class, as defined in ORS 339.351;
 - (f) Implement a graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to each student's individual conduct;
 - (g) Employ a range of strategies for prevention, intervention and discipline that take into account a student's developmental capacities and that are proportionate to the degree and severity of the student's misbehavior;
 - (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:
 - (A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or
 - (B) When a parent or legal guardian applies for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);
 - (i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and
 - (j) Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.
- (6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.
- (7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:
- (a) Require expulsion from school for a period of not less than one year of any student who is determined to have:
 - (A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;
 - (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or
 - (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.
 - (b) Allow exceptions:
 - (A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and
 - (B) Identified by and adopted by the State Board of Education by rule.
 - (c) Allow a superintendent of a school district to:
 - (A) Modify the expulsion requirement for a student on a case-by-case basis.
 - (B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or

person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

(d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.

(e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.

(8) Each district school board shall adopt and disseminate written policies for the use of physical force upon a student. The policies must allow an individual who is a teacher, administrator, school employee or school volunteer to use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.

(9)(a) The authority to discipline a student does not authorize the infliction of corporal punishment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public charter school or the Department of Education that permits or authorizes the infliction of corporal punishment upon a student is void and unenforceable.

(b) As used in this subsection:

(A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a student.

(B) "Corporal punishment" does not include:

(i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

(ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

(10) For purposes of this section, calculations of the number of school days that a student is removed from a classroom setting shall be as follows:

(a) As a half day if the student is out of school for half, or less than half, of the scheduled school day; and

(b) As a full day if the student is out of school for more than half of the scheduled school day.

REGULATIONS

No relevant regulations found.

Teacher Authority to Remove Students From Classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority.

(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:

(a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:

- (A) Willful disobedience;
- (B) Open defiance of the authority of a school employee;
- (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
- (D) Use or display of profane or obscene language;
- (E) Willful damage or injury to school property;
- (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
- (G) Assault of a school employee or another student; or
- (H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.

(b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.

(c) Must limit the use of expulsion to the following circumstances:

- (A) For conduct that poses a threat to the health or safety of students or school employees;
- (B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
- (C) When the expulsion is required by law.

(d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:

- (A) For nonaccidental conduct causing serious physical harm to a student or school employee;
- (B) When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or
- (C) When the suspension or expulsion is required by law.

(e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.

(f) Must be limited so that:

- (A) The duration of an expulsion may not be more than one calendar year.
- (B) The duration of a suspension may not be more than 10 school days.

- (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.
- (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:
- (a) Defines and helps create a learning environment that students respect;
 - (b) Defines acceptable norms of behavior for students and the types of behavior that are subject to discipline;
 - (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;
 - (d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and
 - (e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.
- (4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:
- (a) Staff reporting methods.
 - (b) Provisions that allow an administrator to consider and implement any of the following options:
 - (A) Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.
 - (B) Placing the student in a setting where the behavior will receive immediate attention, including, but not limited to, the office of the school principal, vice principal, assistant principal, counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or the office of any licensed mental health professional.
 - (C) Requiring that a school obtain an evaluation of a student by a licensed mental health professional before allowing the student to return to the classroom setting. A student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. The policy must describe the circumstances under which the district school board may enter into contracts with licensed mental health professionals to perform any evaluations required under this subparagraph.
 - (c) The requirement that an administrator provide to the parent or legal guardian of the student notification that describes the student's behavior and the school's response.
 - (d) A provision for the allocation of any funds necessary for the school district to implement the policies described in this subsection.
- (5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:
- (a) Protect students and school employees from harm;
 - (b) Provide opportunities for students to learn from their mistakes;
 - (c) Foster positive learning communities;
 - (d) Keep students in school and attending class;
 - (e) Impose disciplinary sanctions without bias against students from a protected class, as defined in ORS 339.351;

- (f) Implement a graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to each student's individual conduct;
 - (g) Employ a range of strategies for prevention, intervention and discipline that take into account a student's developmental capacities and that are proportionate to the degree and severity of the student's misbehavior;
 - (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:
 - (A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or
 - (B) When a parent or legal guardian applies for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);
 - (i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and
 - (j) Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.
- (6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.
- (7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:
- (a) Require expulsion from school for a period of not less than one year of any student who is determined to have:
 - (A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;
 - (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or
 - (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.
 - (b) Allow exceptions:
 - (A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and
 - (B) Identified by and adopted by the State Board of Education by rule.
 - (c) Allow a superintendent of a school district to:
 - (A) Modify the expulsion requirement for a student on a case-by-case basis.
 - (B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

(d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.

(e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.

(8) Each district school board shall adopt and disseminate written policies for the use of physical force upon a student. The policies must allow an individual who is a teacher, administrator, school employee or school volunteer to use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.

(9)(a) The authority to discipline a student does not authorize the infliction of corporal punishment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public charter school or the Department of Education that permits or authorizes the infliction of corporal punishment upon a student is void and unenforceable.

(b) As used in this subsection:

(A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a student.

(B) "Corporal punishment" does not include:

(i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

(ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

(10) For purposes of this section, calculations of the number of school days that a student is removed from a classroom setting shall be as follows:

(a) As a half day if the student is out of school for half, or less than half, of the scheduled school day;
and

(b) As a full day if the student is out of school for more than half of the scheduled school day.

REGULATIONS

No relevant regulations found.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(8) Each district school board shall adopt and disseminate written policies for the use of physical force upon a student. The policies must allow an individual who is a teacher, administrator, school employee or school volunteer to use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.

(9)(a) The authority to discipline a student does not authorize the infliction of corporal punishment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public charter school or the Department of Education that permits or authorizes the infliction of corporal punishment upon a student is void and unenforceable.

(b) As used in this subsection:

(A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a student.

(B) "Corporal punishment" does not include:

- (i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or
- (ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

REGULATIONS

581-021-0060. Discipline procedures, prohibition of corporal punishment.

(1) School district boards shall establish fair and reasonable procedures for discipline, suspension, or expulsion.

(2) No student in Oregon shall be subjected to corporal punishment in any public elementary or secondary school. A school administrator is not authorized to waive the prohibition against corporal punishment based upon the request of a parent or guardian.

581-021-0061. Corporal punishment.

(1) Corporal punishment is any act which willfully inflicts or willfully causes the infliction of physical pain on a student.

(2) Corporal punishment does not include physical pain or discomfort resulting from or caused by:

- (a) Training for or participation in athletic competition voluntarily engaged in by a student;
- (b) Recreational activity voluntarily engaged in by a student;
- (c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips, or vocational education projects; or
- (d) Physical restraint or seclusion when used as provided in ORS 339.291 and OAR 581-021-0553.

Search and Seizure

LAWS

No relevant laws found.

REGULATIONS

581-021-0050. Minimum standards for student conduct and discipline.

(1) School district boards shall prepare written rules of pupil conduct and discipline that shall include, but not necessarily be limited to, the following topics:

(d) Search and seizure; [...]

(2) School district rules pertaining to these topics shall include statements on student rights, responsibilities, and conditions which create a need for these rules.

Restraint and Seclusion

LAWS

161.205. Use of physical force generally.

The use of physical force upon another person that would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

(1)(a) A parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person may use reasonable physical force upon such minor or incompetent person when and to the extent the person reasonably believes it necessary to maintain discipline or to promote the welfare of the minor or incompetent person.

(b) Personnel of a public education program, as that term is defined in ORS 339.285, may use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.

(2) Subject to ORS 421.107, an authorized official of a jail, prison or correctional facility may use physical force when and to the extent that the official reasonably believes it necessary to maintain order and discipline or as is authorized by law.

(3) A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under the direction of the person, may use physical force when and to the extent that the person reasonably believes it necessary to maintain order, but the person may use deadly physical force only when the person reasonably believes it necessary to prevent death or serious physical injury.

(4) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical self-injury may use physical force upon that person to the extent that the person reasonably believes it necessary to thwart the result.

(5) A person may use physical force upon another person in self-defense or in defending a third person, in defending property, in making an arrest or in preventing an escape, as hereafter prescribed in chapter 743, Oregon Laws 1971.

339.285. Definitions for ORS 339.285 to 339.303.

As used in ORS 339.285 to 339.303:

(2)(a) "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means.

(b) "Restraint" does not include:

(A) Holding a student's hand or arm to escort the student safely and without the use of force from one area to another;

(B) Assisting a student to complete a task if the student does not resist the physical contact; or

(C) Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under ORS 339.288 and the intervention is necessary to:

(i) Break up a physical fight;

(ii) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or

(iii) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

(3)(a) "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.

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

(4) "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.

339.288. Prohibitions on use of certain restraints.

(1) The use of the following types of restraint on a student in a public education program is prohibited:

(a) Chemical restraint.

(b) Mechanical restraint.

(c) Prone restraint.

(d) Supine restraint.

(e) Any restraint that involves the intentional and nonincidental use of a solid object, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.

(f) Any restraint that places, or creates a risk of placing, pressure on a student's neck or throat.

(g) Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.

(h) Any restraint that impedes, or creates a risk of impeding, breathing.

(i) Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.

(j) Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.

(k) Any action designed for the primary purpose of inflicting pain.

(2) As used in this section:

(a) "Chemical restraint" means a drug or medication that is used on a student to control behavior or restrict freedom of movement and that is not:

(A) Prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for standard treatment of the student's medical or psychiatric condition; and

(B) Administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.

(b)(A) "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

(B) "Mechanical restraint" does not include:

- (i) A protective or stabilizing device ordered by a licensed physician; or
- (ii) A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

(c) "Prone restraint" means a restraint in which a student is held face down on the floor.

(d) "Supine restraint" means a restraint in which a student is held face up on the floor.

339.291. Use of restraint or seclusion.

(1) Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of personnel, contractors or volunteers of a public education program.

(2)(a) Restraint may be used on a student in a public education program only under the following circumstances:

(A) The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and

(B) Less restrictive interventions would not be effective.

(b) Seclusion may be used on a student in a public education program only under the following circumstances:

(A) The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and

(B) Less restrictive interventions would not be effective.

(3) If restraint or seclusion is used on a student, the restraint or seclusion must be:

(a) Used only for as long as the student's behavior poses a reasonable risk as described in subsection (2) of this section;

(b) Imposed by personnel of the public education program who are:

(A) Trained to use restraint or seclusion through programs described in ORS 339.300; or

(B) Otherwise available in the case of an emergency circumstance when personnel described in subparagraph (A) of this paragraph are not immediately available due to the unforeseeable nature of the emergency circumstance; and

(c) Continuously monitored by personnel of the public education program for the duration of the restraint or seclusion.

(4) In addition to the requirements described in subsection (3) of this section, if restraint or seclusion continues for more than 30 minutes:

(a) The student must be provided with adequate access to the bathroom and water every 30 minutes;

(b) Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student; and

(c) Every 15 minutes after the first 30 minutes of the restraint or seclusion, an administrator for the public education program must provide written authorization for the continuation of the restraint or seclusion, including providing documentation for the reason the restraint or seclusion must be continued.

339.294. Procedures following incident; notification; records.

- (1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.
- (2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:
 - (a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.
 - (b) Written documentation of the incident within 24 hours of the incident that provides:
 - (A) A description of the restraint or seclusion, including:
 - (i) The date of the restraint or seclusion;
 - (ii) The times when the restraint or seclusion began and ended; and
 - (iii) The location of the restraint or seclusion.
 - (B) A description of the student's activity that prompted the use of restraint or seclusion.
 - (C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.
 - (D) The names of the personnel of the public education program who administered the restraint or seclusion.
 - (E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this section.
 - (c) Timely notification of a debriefing meeting to be held as provided by subsection (4) of this section and the parent's or guardian's right to attend the meeting.
- (3) If the personnel of the public education program who administered the restraint or seclusion had not received training as provided by ORS 339.300, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent receive written notification of:
 - (a) The lack of training; and
 - (b) The reason the restraint or seclusion was administered by a person without training.
- (4)(a) A debriefing meeting related to the use of restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel.
 - (b) Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.
- (5) If a student is involved in five incidents in a school year involving restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.
- (6) If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the Department of Human Services.
- (7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the district superintendent and, if applicable, to the union representative for the affected party.

(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

339.297. Annual report.

(1) Each entity that has jurisdiction over a public education program must prepare and submit to the Department of Education an annual report detailing the use of restraint and seclusion for the preceding school year, including, at a minimum:

- (a) The total number of incidents involving restraint.
- (b) The total number of incidents involving seclusion.
- (c) The total number of seclusions in a locked room.
- (d) The total number of rooms available for use by the public education program for seclusion of a student and a description of the dimensions and design of the rooms.
- (e) The total number of students placed in restraint.
- (f) The total number of students placed in seclusion.
- (g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of restraint or seclusion.
- (h) The number of students who were placed in restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of restraint and seclusion for each student.
- (i) The number of incidents in which the personnel of the public education program administering restraint or seclusion were not trained as provided by ORS 339.300.
- (j) The demographic characteristics of all students upon whom restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

(2)(a) Each entity that has jurisdiction over a public education program shall make its annual report about restraint and seclusion available to:

- (A) The public at the entity's main office and the website of the entity;
- (B) The board or governing body overseeing the entity;
- (C) If the entity is an education service district, the component school districts of the education service district; and
- (D) If the entity is a public charter school, the sponsor of the public charter school.

(b) Parents and guardians of students in a public education program shall be advised at least once each school year about how to access the report.

(3) A public education provider that does not comply with the requirement to submit a report to the Department of Education under subsection (1) of this section or to make the report available as described in subsection (2) of this section is considered nonstandard under ORS 327.103.

339.300. Training programs.

The Department of Education shall approve training programs in restraint and seclusion that:

- (1) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of restraint or seclusion;
- (2) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques; and

(3) Are consistent with the philosophies, practices and techniques for restraint and seclusion that are established by rule or policy of the Department of Human Services.

339.303. Rules for complaints, investigations and seclusion rooms.

The State Board of Education shall adopt by rule:

(1) A process for an organization or an individual to submit to the Superintendent of Public Instruction a written, signed complaint alleging that a public education program is violating or has violated a provision of ORS 339.285 to 339.303. The complaint must indicate that, prior to submitting the complaint to the superintendent, the organization or individual attempted to seek a remedy for the complaint from the board or governing body overseeing the entity that has jurisdiction over the public education program against which the complaint is being submitted.

(2) A process for investigating a complaint submitted under subsection (1) of this section.

(3) The minimum standards for any rooms used by a public education program for seclusion of a student. The standards must:

(a) Take into account the health and safety of students and personnel of the public education program and the respect and dignity of students; and

(b) Include consideration of the size, safety features, lighting and ventilation of the rooms.

339.308. Seclusion cell prohibition.

(1) As used in this section:

(a) "Public education program" means a program that:

(A) Is for students in early childhood education, elementary school or secondary school;

(B) Is under the jurisdiction of a school district, an education service district or another educational institution or program; and

(C) Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.

(b) "Seclusion cell" means a freestanding, self-contained unit that is used to:

(A) Isolate a student from other students; or

(B) Physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

(2) A public education program may not:

(a) Purchase, build or otherwise take possession of a seclusion cell; or

(b) Use a seclusion cell.

(3) Nothing in this section prevents a public education program from using seclusion as allowed under ORS 339.285 to 339.303.

REGULATIONS

581-021-0061. Corporal punishment.

(1) Corporal punishment is any act which willfully inflicts or willfully causes the infliction of physical pain on a student.

(2) Corporal punishment does not include physical pain or discomfort resulting from or caused by:

(a) Training for or participation in athletic competition voluntarily engaged in by a student;

- (b) Recreational activity voluntarily engaged in by a student;
- (c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips, or vocational education projects; or
- (d) Physical restraint or seclusion when used as provided in ORS 339.291 and OAR 581-021-0553.

581-021-0550. Definitions: Restraint and seclusion.

As used in OAR 581-021-0550 to 581-021-0570:

- (1) "Chemical restraint" means a drug or medication that is used on a student to control behavior or restrict freedom of movement and that is not:
 - (a) Prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for standard treatment of the student's medical or psychiatric condition; and
 - (b) Administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.
- (2)(a) "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.
 - (b) "Mechanical restraint" does not include:
 - (A) A protective or stabilizing device ordered by a licensed physician; or
 - (B) A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
- (3) "Prone restraint" means a restraint in which a student is held face down on the floor.
- (4) "Public education program" means a program in this state that:
 - (a) Is for students in early childhood education, elementary school or secondary school;
 - (b) Is under the jurisdiction of a school district, an education service district or another educational institution or program; and
 - (c) Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.
- (5)(a) "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means.
 - (b) "Restraint" does not include:
 - (A) Holding a student's hand or arm to escort the student safely and without the use of force from one area to another;
 - (B) Assisting a student to complete a task if the student does not resist the physical contact; or
 - (C) Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under ORS 339.288 and the intervention is necessary to:
 - (i) Break up a physical fight;
 - (ii) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - (iii) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.
- (6)(a) "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

(b) "Seclusion" does not include:

(A) The removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving; or

(B) A student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.

(7) "Seclusion cell" means a freestanding, self-contained unit that is used to:

(a) Isolate the student from other students; or

(b) Physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

(8) "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.

(9) "Substantial physical or bodily injury" means any impairment of the physical condition of a person that requires some form of medical treatment.

(10) "Supine restraint" means a restraint in which a student is held face up on the floor.

581-021-0553. Use of restraint and seclusion in public education programs.

(1)(a) The use of the following types of restraint on a student in a public education program is prohibited:

(A) Chemical restraint;

(B) Mechanical restraint;

(C) Prone restraint;

(D) Supine restraint;

(E)(i) Any restraint that involves the intentional and nonincidental use of a solid object, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon;

(ii) Notwithstanding paragraph (a)(E)(i) of this subsection, the use of a solid object, including a piece of furniture, a wall, or the floor, by public education program personnel performing a restraint is not prohibited if the object is used for the personnel's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body;

(F)(i) Any restraint that places, or creates a risk of placing, pressure on a student's mouth, neck or throat, or that impedes, or creates a risk of impeding, a student's breathing;

(ii) Notwithstanding paragraph (a)(F)(i) of this subsection, a restraint that places, or creates a risk of placing, pressure on a student's mouth may be used if the restraint is necessary for the purpose of extracting a body part from a bite;

(G) Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts; and

(H) Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on a student's stomach or back by a knee, foot or elbow bone.

(b) The use of any action designed for the primary purpose of inflicting pain upon a student in a public education program is prohibited.

(2) Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of personnel, contractors or volunteers of a public education program.

(3)(a) Restraint may be used on a student in a public education program only under the following circumstances:

(A) The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and

(B) Less restrictive interventions would not be effective.

(b) Seclusion may be used on a student in a public education program only under the following circumstances:

(A) The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and

(B) Less restrictive interventions would not be effective.

(4) If restraint or seclusion is used on a student, the restraint or seclusion must be:

(a) Used only for as long as the student's behavior poses a reasonable risk as described in subsection (3) of this rule;

(b) Imposed by personnel of the public education program who are:

(A) Trained to use restraint or seclusion through programs approved by the Department of Education under OAR 581-021-0563; or

(B) Otherwise available in the case of an emergency circumstance when trained personnel are not immediately available due to the unforeseeable nature of the emergency circumstance; and

(c) Continuously monitored by personnel of the public education program for the duration of the restraint or seclusion.

(5) If restraint or seclusion continues for more than 30 minutes:

(a) The student must be provided with adequate access to the bathroom and water every 30 minutes;

(b) Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student; and

(c) Every 15 minutes after the first 30 minutes of the restraint or seclusion, an administrator for the public education program must provide written authorization for the continuation of the restraint or seclusion, including providing documentation for the reason the restraint or seclusion must be continued.

581-021-0556. Procedures regarding restraint & seclusion.

(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.

(2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:

(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.

(b) Written documentation of the incident within 24 hours of the incident that provides:

(A) A description of the restraint or seclusion, including:

(i) The date of the restraint or seclusion;

(ii) The times when the restraint or seclusion began and ended; and

(iii) The location of the restraint or seclusion.

(B) A description of the student's activity that prompted the use of restraint or seclusion.

(C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.

(D) The names of the personnel of the public education program who administered the restraint or seclusion.

(E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this rule.

(c) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.

(3) If the personnel of the public education program who administered the restraint or seclusion had not received training from a program approved by the Department of Education, as required and in accordance with OAR 581-021-0563, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent or, if the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program, receive written notification of:

(a) The lack of training; and

(b) The reason the restraint or seclusion was administered by a person without training.

(4) A debriefing meeting related to the use of restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel. Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.

(5) If a student is involved in five incidents in a school year involving restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

(6) If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.

(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the following individuals within 24 hours of the incident:

(a) The district superintendent and, if applicable, the union representative for the affected party; or

(b) If the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program and, if applicable, the union representative for the affected party.

(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

(9) Pursuant to ORS 161.205 and 339.250, an individual who is a teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303 and OAR 581-021-0553.

(10) District school boards shall adopt written policies to implement restraint and seclusion procedures consistent with and as indicated in ORS 339.285 to 339.308 and OARs 581-021-0550 to 581-021-0570, and shall inform teachers, administrators, school employees and school volunteers of those policies.

581-021-0563. Approval of restraint and seclusion training programs for school staff.

- (1) The Department of Education shall approve training programs in restraint and seclusion that:
 - (a) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of restraint or seclusion;
 - (b) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques; and
 - (c) Are consistent with the philosophies, practices and techniques for restraint and seclusion that are established by rule or policy of the Department of Human Services.
- (2) A training program seeking approval must submit program materials that meet the expectations of subsection (1) of this rule in writing to the Oregon Department of Education.
- (3) Approved training programs remain in effect unless significant changes are made to the program. If significant changes are made, the training program must be re-submitted for approval.
- (4) The Oregon Department of Education must remove training programs from the approved list if they no longer meet the requirements specified in subsection (1) of this rule, or if they are found by the Oregon Department of Education to have violated any other laws.

581-021-0566. Required use of approved restraint and seclusion programs.

On or after July 1, 2012, a Public Education Program may only use training programs on restraint and seclusion that are approved by the Department of Education under OAR 581-021-0563. The Department of Education shall make the approved training list available to all Public Education Programs.

581-021-0568. Standards for seclusion rooms.

- (1) Beginning with the 201415 school year, public education programs must meet the following standards for the structural and physical requirements for rooms designated by the school to be used for seclusion:
 - (a) Any wall that is part of the room used for seclusion must be part of the structural integrity of the room (not free standing cells or portable units attached to the existing wall or floor), and must be no less than 64 square feet; the distance between adjacent walls must be no less than 7 feet across.
 - (b) The room must not be isolated from school staff of the facility;
 - (c) Doors must be unlocked or equipped with immediate-release locking mechanisms;
 - (d) The door must open outward and contain a port of shatterproof glass or plastic through which the entire room may be viewed from outside; half doors are acceptable options as well where direct visual monitoring can occur.
 - (e) The room must contain no protruding, exposed, or sharp objects;
 - (f) The room must contain no free standing furniture.
 - (g) Windows must be transparent for both staff and the student to see in/out, and made of unbreakable or shatterproof glass or plastic. Non-shatterproof glass must be protected by adequate climb-proof screening;
 - (h) There must be no exposed pipes or electrical wiring in the room. Electrical outlets must be permanently capped or covered with a metal shield secured by tamper-proof screws. The room must contain lights which must be recessed or covered with screening, safety glass or unbreakable plastic. Any cover, cap or shield must be secured by tamper-proof screws;
 - (i) The room must meet State Fire Marshal fire, safety, and health standards. If sprinklers are installed, they must be recessed and/or covered with a cage. If pop-down type, sprinklers must have breakaway strength of less than 80 pounds. In lieu of sprinklers, combined smoke and heat detector must be used with similar protective design or installation;

- (j) The room must be ventilated; heating and cooling vents must be secure and out of reach;
 - (k) The room must be designed and equipped in a manner that would not allow a child to climb up a wall;
 - (l) Walls, floor and ceiling must be solidly and smoothly constructed, to be cleaned easily, and have no rough or jagged portions; and
 - (m) Seclusion cells are prohibited as provided in OAR 581-021-0569.
- (2) These standards are first applicable on or after July 1, 2014.

581-021-0569. Use of seclusion cells prohibited.

- (1) A public education program may not:
- (a) Purchase, build or otherwise take possession of a seclusion cell; or
 - (b) Use a seclusion cell.
- (2) No later than July 1, 2013, a public education program shall ensure that all seclusion cells are removed from the classrooms of the public education program.
- (3) No later than September 1, 2013, a public education program shall ensure that all seclusion cells are removed from the premises of the public education program.
- (4) Notwithstanding the applicability date specified in OAR 581-021-0568 the prohibition on the use of seclusion cells under this rule is effective and applicable beginning on or after April 5, 2013.

581-021-0570. Complaint procedures.

- (1) An organization or an individual may file a complaint alleging that a public education program is violating or has violated a provision of ORS 339.285 to 339.303 or OAR 581-021-0550 to 581-021-0566. If the public education program is a school district, the organization or individual and the school district shall follow the school district's complaint procedure established under OAR 581-022-2370.
- (2) A complainant may appeal a final decision by a school district to the Department of Education as provided in OAR 581-002-0001 to OAR 581-002-0023 by:
- (a) Mailing a complaint appeal to the Department of Education, or
 - (b) Submitting a complaint appeal through the Department of Education's website.

581-022-2267. Annual Report on use of Restraint and Seclusion.

- (1) Each entity that has jurisdiction over a public education program must prepare and submit an annual report detailing the use of restraint and seclusion for the preceding school year to the Oregon Department of Education. The annual report shall include, at a minimum:
- (a) The total number of incidents involving restraint;
 - (b) The total number of students placed in restraint;
 - (c) The total number of incidents involving seclusion;
 - (d) The total number of students placed in seclusion;
 - (e) The total number of seclusions in a locked room;
 - (f) The total number of seclusion rooms available, including a description of the dimensions and design of the rooms;
 - (g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of restraint or seclusion;

(h) The number of students who were placed in restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of restraint and seclusion for each student;

(i) The number of incidents in which the personnel of the public education program administering restraint or seclusion were not trained; and

(j) The demographic characteristics of all students upon whom restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

(2)(a) Each entity that has jurisdiction over a public education program shall make its annual report about restraint and seclusion available to:

(A) The public at the entity's main office and the website of the entity;

(B) The school board or governing body overseeing the entity;

(C) If the entity is an education service district, the component school districts of the education service district; and

(D) If the entity is a public charter school, the sponsor of the public charter school.

(b) Parents and guardians of students in a public education program shall be advised at least once each school year about how to access the report.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

- (1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority.
- (2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:
 - (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
 - (A) Willful disobedience;
 - (B) Open defiance of the authority of a school employee;
 - (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
 - (D) Use or display of profane or obscene language;
 - (E) Willful damage or injury to school property;
 - (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
 - (G) Assault of a school employee or another student; or
 - (H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.
 - (b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.
 - (c) Must limit the use of expulsion to the following circumstances:
 - (A) For conduct that poses a threat to the health or safety of students or school employees;
 - (B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
 - (C) When the expulsion is required by law.
 - (d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:
 - (A) For nonaccidental conduct causing serious physical harm to a student or school employee;
 - (B) When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or
 - (C) When the suspension or expulsion is required by law.
 - (e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.

- (f) Must be limited so that:
 - (A) The duration of an expulsion may not be more than one calendar year.
 - (B) The duration of a suspension may not be more than 10 school days.
- (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.
- (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:
 - (a) Defines and helps create a learning environment that students respect;
 - (b) Defines acceptable norms of behavior for students and the types of behavior that are subject to discipline;
 - (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;
 - (d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and
 - (e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.
- (4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:
 - (a) Staff reporting methods.
 - (b) Provisions that allow an administrator to consider and implement any of the following options:
 - (A) Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.
 - (B) Placing the student in a setting where the behavior will receive immediate attention, including, but not limited to, the office of the school principal, vice principal, assistant principal, counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or the office of any licensed mental health professional.
 - (C) Requiring that a school obtain an evaluation of a student by a licensed mental health professional before allowing the student to return to the classroom setting. A student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. The policy must describe the circumstances under which the district school board may enter into contracts with licensed mental health professionals to perform any evaluations required under this subparagraph.
 - (c) The requirement that an administrator provide to the parent or legal guardian of the student notification that describes the student's behavior and the school's response.
 - (d) A provision for the allocation of any funds necessary for the school district to implement the policies described in this subsection.
- (5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:
 - (a) Protect students and school employees from harm;
 - (b) Provide opportunities for students to learn from their mistakes;
 - (c) Foster positive learning communities;
 - (d) Keep students in school and attending class;

- (e) Impose disciplinary sanctions without bias against students from a protected class, as defined in ORS 339.351;
 - (f) Implement a graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to each student's individual conduct;
 - (g) Employ a range of strategies for prevention, intervention and discipline that take into account a student's developmental capacities and that are proportionate to the degree and severity of the student's misbehavior;
 - (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:
 - (A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or
 - (B) When a parent or legal guardian applies for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);
 - (i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and
 - (j) Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.
- (6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.
- (7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:
- (a) Require expulsion from school for a period of not less than one year of any student who is determined to have:
 - (A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;
 - (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or
 - (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.
 - (b) Allow exceptions:
 - (A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and
 - (B) Identified by and adopted by the State Board of Education by rule.
 - (c) Allow a superintendent of a school district to:
 - (A) Modify the expulsion requirement for a student on a case-by-case basis.
 - (B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or

person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

(d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.

(e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.

(8) Each district school board shall adopt and disseminate written policies for the use of physical force upon a student. The policies must allow an individual who is a teacher, administrator, school employee or school volunteer to use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.

(9)(a) The authority to discipline a student does not authorize the infliction of corporal punishment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public charter school or the Department of Education that permits or authorizes the infliction of corporal punishment upon a student is void and unenforceable.

(b) As used in this subsection:

(A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a student.

(B) "Corporal punishment" does not include:

(i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

(ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

(10) For purposes of this section, calculations of the number of school days that a student is removed from a classroom setting shall be as follows:

(a) As a half day if the student is out of school for half, or less than half, of the scheduled school day; and

(b) As a full day if the student is out of school for more than half of the scheduled school day.

REGULATIONS

581-015-2405. Disciplinary removals for up to 10 school days for children with disabilities.

(1) School districts may remove a child with a disability who violates a code of student conduct from the child's current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, for up to ten school days in a school year to the same extent, and with the same notice, as for children without disabilities. These removals are not considered a change in placement.

(2) During disciplinary removals described in section (1) of this rule:

(a) School districts are not required to provide access to special education and the general curriculum unless students without disabilities are provided access during this time.

(b) School districts are not required to determine whether the child's behavior resulting in disciplinary removal is a manifestation of the child's disability.

(3) For the purpose of counting days of suspensions under OAR 581-015-2405 through 581-015-2445:

(a) Suspensions of a half day or less are counted as a half day; and

(b) Suspensions of more than a half-day are counted as a whole day.

(4) For the purposes of determining "current educational placement" in subsection (1) of this rule:

- (a) Children who received special education services in another state and are found eligible for special education in Oregon are treated as initially placed in special education in Oregon, and any days of suspension accrued in the former state are not counted toward the ten days.
- (b) For children who move from one school district to another school district in Oregon, any days of suspension from the former district carry over to the new school district unless the school district does not have actual knowledge of the previous suspensions.

581-015-2410. Additional disciplinary removals of up to 10 school days each (no pattern).

- (1) School districts may remove a child with a disability who violates a code of student conduct from the child's current educational placement to an appropriate interim alternative educational setting, another setting, or suspension for additional periods of up to ten school days in a school year to the same extent, and with the same notice, as for children without disabilities, if the removals do not constitute a pattern under section (2) of this rule. These removals are not considered a change in placement.
- (2) School personnel must determine, on a case-by-case basis, whether the series of removals constitute a pattern:
 - (a) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
 - (b) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of removals to one another.
- (3) Services. During removals described in section (1) of this rule:
 - (a) School districts must provide services that are necessary to enable the child:
 - (A) To continue to participate in the general education curriculum, although in another setting; and
 - (B) To progress toward meeting the goals in the child's IEP.
 - (b) School personnel, in consultation with at least one of the child's teachers, determine the extent to which the services described in subsection (3)(a) of this rule are needed, and the location for delivery of those services.
 - (c) School districts are not required to determine whether the behavior resulting in removal is a manifestation of the child's disability.
- (4) The determination in subsection (2) is subject to review under OAR 581-015-2445.

581-021-0055. Standards of conduct.

- (1) Students shall comply with the written rules of the school district board, pursue the prescribed course of study, submit to the lawful authority of teachers and school officials, and conduct themselves in an orderly fashion.
- (2) Students shall be liable to discipline, suspension, or expulsion for misconduct, including but not limited to:
 - (a) Theft;
 - (b) Disruption of the school;
 - (c) Damage or destruction of school property;
 - (d) Damage or destruction of private property on school premises or during a school activity;
 - (e) Assault or threats of harm;
 - (f) Unauthorized use of weapons or dangerous instruments;
 - (g) Unlawful use of drugs, narcotics, or alcoholic beverages;
 - (h) Persistent failure to comply with rules of the lawful directions of teachers or school officials.

Limitations or Conditions on Exclusionary Discipline

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority.

(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:

(a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:

- (A) Willful disobedience;
- (B) Open defiance of the authority of a school employee;
- (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
- (D) Use or display of profane or obscene language;
- (E) Willful damage or injury to school property;
- (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
- (G) Assault of a school employee or another student; or
- (H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.

(b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.

(c) Must limit the use of expulsion to the following circumstances:

- (A) For conduct that poses a threat to the health or safety of students or school employees;
- (B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
- (C) When the expulsion is required by law.

(d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:

- (A) For nonaccidental conduct causing serious physical harm to a student or school employee;
- (B) When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or
- (C) When the suspension or expulsion is required by law.

(e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.

(f) Must be limited so that:

- (A) The duration of an expulsion may not be more than one calendar year.
- (B) The duration of a suspension may not be more than 10 school days.

- (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.
- (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:
- (a) Defines and helps create a learning environment that students respect;
 - (b) Defines acceptable norms of behavior for students and the types of behavior that are subject to discipline;
 - (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;
 - (d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and
 - (e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.
- (4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:
- (a) Staff reporting methods.
 - (b) Provisions that allow an administrator to consider and implement any of the following options:
 - (A) Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.
 - (B) Placing the student in a setting where the behavior will receive immediate attention, including, but not limited to, the office of the school principal, vice principal, assistant principal, counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or the office of any licensed mental health professional.
 - (C) Requiring that a school obtain an evaluation of a student by a licensed mental health professional before allowing the student to return to the classroom setting. A student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. The policy must describe the circumstances under which the district school board may enter into contracts with licensed mental health professionals to perform any evaluations required under this subparagraph.
 - (c) The requirement that an administrator provide to the parent or legal guardian of the student notification that describes the student's behavior and the school's response.
 - (d) A provision for the allocation of any funds necessary for the school district to implement the policies described in this subsection.
- (5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:
- (a) Protect students and school employees from harm;
 - (b) Provide opportunities for students to learn from their mistakes;
 - (c) Foster positive learning communities;
 - (d) Keep students in school and attending class;
 - (e) Impose disciplinary sanctions without bias against students from a protected class, as defined in ORS 339.351;

- (f) Implement a graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to each student's individual conduct;
 - (g) Employ a range of strategies for prevention, intervention and discipline that take into account a student's developmental capacities and that are proportionate to the degree and severity of the student's misbehavior;
 - (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:
 - (A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or
 - (B) When a parent or legal guardian applies for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);
 - (i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and
 - (j) Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.
- (6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.
- (7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:
- (a) Require expulsion from school for a period of not less than one year of any student who is determined to have:
 - (A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;
 - (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or
 - (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.
 - (b) Allow exceptions:
 - (A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and
 - (B) Identified by and adopted by the State Board of Education by rule.
 - (c) Allow a superintendent of a school district to:
 - (A) Modify the expulsion requirement for a student on a case-by-case basis.
 - (B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

- (d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.
- (e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.
- (8) Each district school board shall adopt and disseminate written policies for the use of physical force upon a student. The policies must allow an individual who is a teacher, administrator, school employee or school volunteer to use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.
- (9)(a) The authority to discipline a student does not authorize the infliction of corporal punishment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public charter school or the Department of Education that permits or authorizes the infliction of corporal punishment upon a student is void and unenforceable.
 - (b) As used in this subsection:
 - (A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a student.
 - (B) "Corporal punishment" does not include:
 - (i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or
 - (ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.
- (10) For purposes of this section, calculations of the number of school days that a student is removed from a classroom setting shall be as follows:
 - (a) As a half day if the student is out of school for half, or less than half, of the scheduled school day; and
 - (b) As a full day if the student is out of school for more than half of the scheduled school day.

REGULATIONS

581-015-2415. Disciplinary removals of more than 10 school days (pattern or consecutive).

- (1) A disciplinary removal is considered a change in educational placement and the school district must follow special education due process procedures if:
 - (a) The removal will be for more than 10 consecutive school days (e.g. expulsion); or
 - (b) The child will be removed for more than 10 cumulative school days from their current educational placement in a school year, and those removals constitute a pattern under OAR 581-015-2410(2).
- (2) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary removal under subsection (1) for a child with a disability who violates a code of conduct.
- (3) Manifestation determination. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school district must determine whether the child's behavior is a manifestation of the student's disability in accordance with OAR 581-015-2420.
- (4) Manifestation. If the determination under subsection (3) is that the child's behavior is a manifestation of the child's disability, the school district must:
 - (a) Return the child to the placement from which the child was removed, unless:
 - (A) The parent and school district agree to a change of placement as part of the modification of the behavioral intervention plan under subsection (4)(b);

(B) The school district removes the child to an interim alternative educational setting under OAR 581-015-2425 for a weapons or drug violation or for infliction of serious bodily injury; or

(C) The school district obtains an order from an administrative law judge under OAR 581-015-2430 allowing a change in placement to an interim alternative educational setting for injurious behavior; and

(b) Either:

(A) Conduct a functional behavioral assessment, unless the school district conducted a functional behavioral assessment before the behavior occurred that prompted the disciplinary action, and implement a behavior intervention plan; or

(B) If the student already has a behavior plan, review the behavioral intervention plan and modify it, as necessary, to address the behavior.

(5) No manifestation. If the determination under subsection (3) is that the child's behavior is not a manifestation of the child's disability:

(a) The school district may proceed with disciplinary action applicable to children without disabilities under section (1) of this rule, in the same manner and for the same duration in which the procedures would be applied to children without disabilities.

(b) If the school district takes such action applicable to all children, the school district must:

(A) On the date on which the decision is made to remove the student under subsection (5), notify the parents of that decision and provide the parents with notice of procedural safeguards under OAR 581-015-2315.

(B) Provide services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2435; and

(C) Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(6) Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination or any decision about placement related to the disciplinary removal in section (1) of this rule, the child remains in the interim alternative educational setting pending the decision of the administrative law judge under OAR 581-015-2445, or until the end of the disciplinary removal under subsection (1), whichever occurs first, unless the parent and school district agree otherwise.

581-015-2420. Manifestation determination.

(1) In determining whether the child's behavior is a manifestation of the child's disability, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

(a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(b) If the conduct in question was the direct result of the school district's failure to implement the IEP.

(2) If the school district, the parent, and relevant members of the IEP team determine that either subsection (1)(a) or (b) is applicable for the child, the conduct must be determined to be a manifestation of the child's disability.

(3) If the basis for the team's determination is that the school district did not implement the child's IEP, the school district must take immediate steps to remedy those deficiencies.

581-021-0065. Suspension.

- (1) Students may be suspended when such suspension contains within its procedures the elements of prior notice (OAR 581-021-0075), specification of charges, and an opportunity for the student to present his or her view of the alleged misconduct. The suspending official shall notify the student's parent or guardian of the suspension, the conditions for reinstatement, and appeal procedures, where applicable. These procedures may be postponed in emergency situations relating to health and safety.
- (2) Emergency situations shall be limited to those instances where there is a serious risk that substantial harm will occur if suspension does not take place immediately.
- (3) School district boards shall provide students suspended under emergency conditions with the rights outlined in section (1) of this rule as soon as the emergency condition has passed.
- (4) In all suspensions ordered by the executive officer of the school district or designated representative, the district school board shall have the right of final review if the action is not taken by the school board itself.
- (5) School district boards shall limit suspension to a specific maximum number of days. That maximum shall not exceed ten school days.
- (6) School district boards shall adopt policies that require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student. For students in fifth grade or lower, the policies must limit the use of out-of-school suspension to the following circumstances:
 - (a) for non-accidental conduct causing serious physical harm to a student or school employee;
 - (b) when a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or
 - (c) when the suspension or expulsion is required by law
- (7) When an out of school suspension is imposed for a student who is fifth grade or younger, district policies must require schools to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the students' academic instruction is minimized.
- (8) School district boards or designated representatives shall specify the methods and conditions, if any, under which the student's school work can be made up. Students shall be allowed to make up school work upon their return from the suspension if that work reflects achievement over a greater period of time than the length of the suspension. For example, the students shall be allowed to make up final, mid-term, and unit examinations, without an academic penalty, but it is within the districts' discretion as to whether the students may be allowed to make up daily assignments, laboratory experiments, class discussions or presentations.
- (9) In special circumstances a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, or incarceration by court action.

581-021-0070. Expulsion.

- (1) Each district school board shall adopt written policies that limit the use of expulsion to the following circumstances:
 - (a) For conduct that poses a threat to the health or safety of students or school employees;
 - (b) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
 - (c) When the expulsion is required by law

(d) In addition to any limitations imposed by paragraphs (a) to (c) of this subsection, board policies must limit the use of expulsion for students in fifth grade or lower to the following circumstances:

- (i) For nonaccidental conduct causing serious physical harm to a student or school employee;
- (ii) When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees.

Due Process

LAWS

332.061. Hearing to expel minor students or to examine confidential records; exceptions to public meetings law.

Notwithstanding ORS 192.610 to 192.690 governing public meetings:

- (1) Any hearing held by a district school board or its hearings officer on any of the following matters shall be conducted in executive session of the board or privately by the hearings officer unless the student or the student's parent or guardian requests a public hearing:
 - (a) Expulsion of a minor student from a public elementary or secondary school.
 - (b) Matters pertaining to or examination of the confidential records of a student.
- (2) If an executive session is held by a district school board or a private hearing is held by its hearings officer under this section, the following shall not be made public:
 - (a) The name of the minor student.
 - (b) The issue, including a student's confidential records.
 - (c) The discussion.
 - (d) The school board member's vote on the issue.
- (3) The school board members may vote in an executive session conducted pursuant to this section.

REGULATIONS

581-021-0065. Suspension.

- (1) Students may be suspended when such suspension contains within its procedures the elements of prior notice (OAR 581-021-0075), specification of charges, and an opportunity for the student to present his or her view of the alleged misconduct. The suspending official shall notify the student's parent or guardian of the suspension, the conditions for reinstatement, and appeal procedures, where applicable. These procedures may be postponed in emergency situations relating to health and safety.
- (2) Emergency situations shall be limited to those instances where there is a serious risk that substantial harm will occur if suspension does not take place immediately.
- (3) School district boards shall provide students suspended under emergency conditions with the rights outlined in section (1) of this rule as soon as the emergency condition has passed.
- (4) In all suspensions ordered by the executive officer of the school district or designated representative, the district school board shall have the right of final review if the action is not taken by the school board itself.
- (5) School district boards shall limit suspension to a specific maximum number of days. That maximum shall not exceed ten school days.

(6) School district boards shall adopt policies that require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student. For students in fifth grade or lower, the policies must limit the use of out-of-school suspension to the following circumstances:

- (a) for non-accidental conduct causing serious physical harm to a student or school employee;
- (b) when a school administrator determines, based upon the administrators observation or upon a report from a school employee, that the students conduct poses a direct threat to the health or safety of students or school employees; or
- (c) when the suspension or expulsion is required by law

(7) When an out of school suspension is imposed for a student who is fifth grade or younger, district policies must require schools to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the students' academic instruction is minimized.

(8) School district boards or designated representatives shall specify the methods and conditions, if any, under which the student's school work can be made up. Students shall be allowed to make up school work upon their return from the suspension if that work reflects achievement over a greater period of time than the length of the suspension. For example, the students shall be allowed to make up final, mid-term, and unit examinations, without an academic penalty, but it is within the districts' discretion as to whether the students may be allowed to make up daily assignments, laboratory experiments, class discussions or presentations.

(9) In special circumstances a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, or incarceration by court action.

581-021-0070. Expulsion.

(1) Each district school board shall adopt written policies that limit the use of expulsion to the following circumstances:

- (a) For conduct that poses a threat to the health or safety of students of school employees;
- (b) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
- (c) When the expulsion is required by law
- (d) In addition to any limitations imposed by paragraphs (a) to (c) of this subsection, board policies must limit the use of expulsion for students in fifth grade or lower to the following circumstances:
 - (i) For nonaccidental conduct causing serious physical harm to a student or school employee;
 - (ii) When a school administrator determines, based upon the administrators observation or upon a report from a school employee, that the students conduct poses a direct threat to the health or safety of students or school employees;

(2) A school district board may expel, or delegate authority to a hearings officer to expel, a student provided the student is not expelled without a hearing unless the student's parent(s) or guardian, or the student, if 18 years of age, waives the right to a hearing. Waiver may take place by the parent or the student, if 18 years of age, notifying the school district in writing of waiver of the right to a hearing. Waiver may also take place by the parent, or the student, if age 18 or over, failing to appear after notice, at the place and time set for the hearing:

- (a) If the school board acts to expel, the hearing may be conducted by a hearings officer designated by the board. In cases where the hearings officer is conducting the expulsion hearing for the board, the hearings officer shall provide to the board the findings as to the facts, the recommended decision and

whether or not the student is guilty of the conduct alleged. This material shall be made available at the same time to the parent or guardian, and to the student, if age 18 or over;

(b) If the authority to expel a student is delegated to a hearings officer, the parent, or student, if age 18 or over, shall have the right upon appeal to a board review of the decision. If the decision is appealed to the board for review, the board shall be provided findings as to the facts and the decision of the hearings officer. This material shall be made available at the same time to the parent or guardian, and to the student, if age 18 or over. When appealed, the board will affirm, modify, or rescind the decision of the hearings officer.

(3) Student expulsion hearings shall be conducted pursuant to ORS 332.061.

(4) Expulsion hearing policies or rules shall contain provisions for the following:

(a) Notice to the student and to the parent or guardian shall be given by personal service or certified mail of the charge or charges and the specific facts that support the charge or charges. The notice shall include the statement of intent to consider the charges as reason for expulsion. Where notice is given by personal service, the person serving the notice shall file a return of service. Where notice is given by certified mail to a parent of a suspended student the notice shall be placed in the mail at least five days before the date of the hearing;

(b) Where the student or the student's parent cannot understand the spoken English language, an interpreter shall be provided by the district;

(c) The student may be represented by counsel or other persons;

(d) The student shall be permitted to introduce evidence by testimony, writings, or other exhibits;

(e) The student shall be permitted to be present and hear the evidence presented by the district;

(f) Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearings officer's control of the hearing;

(g) The hearings officer or the student may make a record of the hearing.

Return to School Following Removal

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:

(e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.

REGULATIONS

581-021-0065. Suspension.

(7) When an out of school suspension is imposed for a student who is fifth grade or younger, district policies must require schools to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the students' academic instruction is minimized.

(8) School district boards or designated representatives shall specify the methods and conditions, if any, under which the student's school work can be made up. Students shall be allowed to make up school work upon their return from the suspension if that work reflects achievement over a greater period of time than the length of the suspension. For example, the students shall be allowed to make up final, mid-term, and unit examinations, without an academic penalty, but it is within the districts' discretion as to whether the students may be allowed to make up daily assignments, laboratory experiments, class discussions or presentations.

Alternative Placements

LAWS

336.580. Education at youth care centers; rules.

(1) Every child at a youth care center, as defined in ORS 420.855, is entitled to receive appropriate education suited to the needs of the child in the least restrictive environment in which the child can function until the child is no longer of compulsory school age or receives a high school diploma or an equivalent.

(2)(a) Except as provided by paragraph (b) of this subsection, the school district in which the youth care center is located shall develop an educational plan for the children in the youth care center in consultation with the director of the center. The plan shall be approved annually by the school district board.

(b) For children placed at a youth care center within a detention facility, as defined in ORS 419A.004, the children shall receive educational services through the Juvenile Detention Education Program as described in ORS 326.695.

(3) The Superintendent of Public Instruction shall have the authority to enforce the provisions of ORS 336.575 and 339.137 and this section. If a district fails to comply, the superintendent shall find the district deficient and shall apply the penalty provided in ORS 327.103.

(4) The State Board of Education shall adopt rules to implement this section.

336.585. Education for children enrolled in Juvenile Detention Education Program; costs; rules; notification to resident district.

(1) As used in this section:

(a) "Juvenile Detention Education Program" means the program defined in ORS 326.695.

(b) "Resident district" means the school district in which the parents or legal guardian, if any, of a child resided at the time of the child's enrollment in the Juvenile Detention Education Program. If the child has no parents or legal guardian, or none can be located, the resident district is the school district in which the child is physically located.

(2)(a) The Department of Education shall provide or cause to be provided appropriate education for children enrolled in an educational program under the Juvenile Detention Education Program. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to be provided appropriate education to children enrolled in an educational program under the Juvenile Detention Education Program.

(b) An education service district that provides education as provided by this subsection and that awards high school diplomas:

(A) May not impose requirements for a high school diploma that are in addition to the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education; and

(B) Must accept any credits previously earned by children in another school or educational program in this state and apply those credits toward the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education.

(3) The superintendent shall pay the costs of providing education to children enrolled in an educational program under the Juvenile Detention Education Program from the State School Fund grant allocated for that purpose under ORS 327.026.

(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Juvenile Detention Education Program, including standards that allow a school district or an education service district under contract with the superintendent to:

(a) Implement an assessment system as provided by ORS 329.485 (3).

(b) Administer a nationally normed assessment as provided by ORS 329.488.

(c) Participate in the beginning teacher and administrator mentorship program established by ORS 329.788 to 329.820.

(d) Receive funds under ORS chapter 329.

(5) The superintendent shall ensure that the resident district of each child enrolled in an educational program under the Juvenile Detention Education Program is notified, if the resident district can be reasonably identified. The purposes of the notification include, but are not limited to:

(a) Removing the child from the resident district's census;

(b) Facilitating transfers of the child's educational records; and

(c) Facilitating planning for the child's possible return to the resident district.

336.590. Education for children enrolled in Youth Corrections Education Program; costs; rules.

(1) As used in this section, "Youth Corrections Education Program" means the program defined in ORS 326.695.

(2) The Department of Education shall provide or cause to be provided appropriate education for children enrolled in an educational program under the Youth Corrections Education Program. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to be provided appropriate education to children enrolled in an educational program under the Youth Corrections Education Program.

(3) The superintendent shall pay the costs of providing education to children enrolled in an educational program under the Youth Corrections Education Program from the State School Fund grant allocated for that purpose under ORS 327.026.

(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Youth Corrections Education Program, including standards that allow a school district or an education service district under contract with the superintendent to:

(a) Award high school diplomas, modified diplomas, extended diplomas and alternative certificates as provided by ORS 329.451 and 339.877. An education service district that awards high school diplomas as provided by this paragraph:

(A) May not impose requirements for a high school diploma that are in addition to the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education; and

(B) Must accept any credits previously earned by children in another school or educational program in this state and apply those credits toward the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education.

(b) Implement an assessment system as provided by ORS 329.485 (3).

(c) Administer a nationally normed assessment as provided by ORS 329.488.

(d) Participate in the beginning teacher and administrator mentorship program established by ORS 329.788 to 329.820.

(e) Receive funds under ORS chapter 329.

336.615. Definition for ORS 336.615 to 336.665.

As used in ORS 336.615 to 336.665, "alternative education program" means a school or separate class group designed to best serve students' educational needs and interests and assist students in achieving the academic standards of the school district and the state.

336.625. Goals; district responsibility; registration; rules.

(1) In implementing alternative education programs, district school boards shall maintain learning situations that are flexible with regard to environment, time, structure and pedagogy.

(2) Students participating in alternative education programs are considered to be the responsibility of the resident district for purposes of ORS 332.072.

(3) The State Board of Education by rule:

(a) Shall define the accountable activities and allowable credit for these activities in alternative education programs;

(b) Shall adopt a process for registering private alternative education programs that includes, but is not limited to, the requirements of ORS 336.631; and

(c) Shall establish standards for private alternative education programs to ensure a safe educational environment and an instructional program that provides students with the opportunity to make progress toward achieving state academic content and performance standards.

(4) A school district may not waive the right to implement an alternative education program in a collective bargaining agreement.

336.631. Private alternative programs; requirements; applicability of laws; placement of students.

(1) Prior to contracting with or distributing any public funds to a private alternative education program, a district school board shall:

(a) Annually approve the private alternative education program;

(b) Determine that the private alternative education program is registered with the Department of Education; and

(c) Determine that the private alternative education program complies with the requirements of subsection (2) of this section and ORS 336.625 (3)(c).

(2) The following laws apply to private alternative education programs that are registered with the Department of Education under ORS 336.635 in the same manner as the laws apply to school districts and public schools:

(a) Federal law;

(b) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);

(c) ORS 329.496 (physical education);

(d) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);

(e) ORS 659.850, 659.855 and 659.860 (discrimination);

(f) ORS 339.122 (advertisement requirements);

(g) Health and safety statutes and rules; and

- (h) Any statute, rule or school district policy that is specified in a contract between the school district board and the private alternative education program.
- (3) Prior to placement of a student in a private alternative education program, the resident district shall determine whether the proposed placement best serves the student's educational needs and interests and assists the student in achieving the district and state academic standards.
- (4) Contracts between a school district and a private alternative education program shall be included in the assessment of effectiveness provided for in ORS 329.085.

336.635. Enrollment in alternative education program; billing; rules; status of teachers.

- (1) The parent or guardian of a student may enroll the student in one of the proposed public alternative education programs or private alternative education programs of instruction or instruction combined with counseling if:
 - (a) The enrollment is necessary to meet the student's educational needs and interests.
 - (b) The program is appropriate and accessible to the student.
 - (c) For a program in a school district in which the student is a resident, the resident school district approves the enrollment.
 - (d) For a program in a school district in which the student is not a resident, the resident school district and the attending school district approve the enrollment.
 - (e) For a private alternative education program, the program is registered with the Department of Education.
- (2) If the student is eligible for special education under ORS 343.221 to 343.236 and 343.261 to 343.295, the program must be approved by the Department of Education prior to the placement of the student in the program.
- (3) A student enrolled pursuant to this section is considered enrolled in the schools of the district offering the program for purposes of the distribution of the State School Fund.
- (4) An alternative education program that is offered to a student who is not a resident of the school district may bill tuition to the school district where the student is a resident. The billing may be made annually or at the end of each term or semester of the alternative education program. For each full-time equivalent student enrolled in the alternative education program, the resident school district shall pay the actual cost of the program or an amount at least equivalent to 80 percent of the district's estimated current year's average per student net operating expenditure, whichever is less, in accordance with rules adopted by the State Board of Education. The alternative education program is accountable for the expenditures of all State School Fund moneys and other local school support moneys and shall provide the resident school district with an annual statement of the expenditures.
- (5) A private alternative education program that is registered with the department is not required to employ only licensed teachers or administrators. Teachers and administrators in private programs are not considered employees of any school district for purposes of ORS 342.173.
- (6) A school district is not required to provide a public alternative education program if the student can be referred to public or approved private alternative education programs that are appropriate for and accessible to the student.
- (7) Any preliminary teaching license, professional teaching license or distinguished teacher leader license issued by the Teacher Standards and Practices Commission is valid for teaching all subjects and grade levels in an alternative education program operated by a school district or education service district.

336.637. Instruction in educational standards required; assessment of students in private alternative education programs.

(1) A private alternative education program shall ensure that students receive instruction in the educational standards adopted by the State Board of Education for the grade level the program serves.

(2) Students enrolled in a private alternative education program shall take the statewide assessment developed by the Department of Education under ORS 329.485. A private alternative education program shall be accountable for determining the progress of its students toward achieving academic content standards as defined in ORS 329.007. The private alternative education program shall report, at least annually, each student's academic progress, including the results of the state assessment to students, parents and the school district.

336.645. Notification of availability of program; rules.

The State Board of Education shall adopt rules to implement the provisions of ORS 336.615 to 336.665 that shall include rules regarding school district notification to parents and students of the availability of alternative education programs, the law regarding alternative education programs and the procedures for requesting district school boards to establish alternative education programs.

336.665. Effect of failure to propose alternative programs.

(1) The Superintendent of Public Instruction shall find a school district to be deficient within the meaning of ORS 327.103 if the district fails to cause the proposal of alternative programs to be made under ORS 339.250 (5)(h) or (7)(c)(B).

(2) The failure to cause the proposal of alternative programs shall not be grounds for a civil action against the school district.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:

(g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.
[...]

(5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:

(h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:

(A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or

(B) When a parent or legal guardian applies for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);

(i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and

(j) Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.

(6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

(c) Allow a superintendent of a school district to:

(B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

339.331. Mission; duties; annual report; staff; funding.

(2) To fulfill its mission, the Center for School Safety shall:

(a) Establish a clearinghouse for information and materials concerning school violence prevention and intervention services. As used in this paragraph, "intervention services" means any preventive, developmental, corrective or supportive service or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime or has been expelled from the school district. "Intervention services" may include, but is not limited to:

(C) Alternative education programs.

REGULATIONS

581-021-0071. District information for parents and students regarding the availability of alternative education programs.

(1) The following definitions apply to this rule:

(a) "Erratic attendance" means the student is frequently absent to the degree that he/she is not benefiting from the educational program;

(b) "Notification" means written notice, by personal service or certified mail, to the parent or guardian and student as required by ORS 339.250(6).

(2) District school boards shall adopt policies and procedures for notification to students and parents, or guardians of the availability of appropriate and accessible alternative programs. This notification shall be provided in the following situations:

(a) Upon the occurrence of a second or any subsequent occurrence of a severe disciplinary problem within a three-year period;

(b) When the district finds a student's attendance pattern to be so erratic that the student is not benefiting from the educational program;

(c) When the district is considering expulsion as a disciplinary alternative;

(d) When a student is expelled pursuant to subsection (2) of ORS 339.250; and

(e) When an emancipated minor, parent, or legal guardian applies for a student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030(2).

(3) The notification must include but is not limited to the following:

- (a) Student action which is the basis for consideration of alternative education;
 - (b) Listing of alternative programs available to this student for which the district would provide financial support in accordance with ORS 339.620 except that when notice is given in accordance with subsection (2)(e) of this rule the district shall not be obligated to provide financial support;
 - (c) The program recommended for the student based on students learning styles and needs;
 - (d) Procedures for enrolling the student in the recommended program; and
 - (e) When the parent or guardians language is other than English, the district must provide notification in manner that the parent or guardian can understand.
- (4) The district shall inform all parents or guardians of the law regarding alternative education and educational services available to students by such means as a statement in the student/parent handbook, notice in the newspaper, or an individual letter to a parent.
- (5) District school boards shall adopt a procedure for parents or guardians to request establishment of alternative programs within the district.
- (6) District school boards shall not approve the enrollment of a pupil in a private alternative program unless the private alternative program meets all requirements of OAR 581-021-0045.

581-021-0072. Registration of private alternative programs/schools.

- (1) All Sections of this rule apply to each private alternative education program approved by a school district board on or after July 1, 2007. For the purposes of this rule, the term "program" includes "school."
- (2) For the purposes of ORS 336.635(1), all private alternative education programs receiving public school funds must comply with Private Alternative Education Standards established by the Oregon State Board of Education. Before contracting with or receiving public funds from any public school district, each private alternative program must register with the Oregon Department of Education (ODE) under this rule and must have an institution identification number assigned by the Department.
- (3) New registration and renewal applications must be received each year by a date to be determined by the Department. Annually by March 1, the Oregon Department of Education will provide registration renewal application forms to private alternative programs registered with the Department.
- (4) Each private alternative education program must apply to the Department for approval of registration renewal and the application for registration or renewal of registration must include information or documentation as required by the Department that the private alternative program meets:
- (a) Local and state fire, safety, health and occupancy codes and standards;
 - (b) Health and safety standards and rules including, but not limited to, sanitation and prevention of communicable disease;
 - (c) The requirements of:
 - (A) OAR 581-022-1420 (emergency plans and safety programs);
 - (B) OAR 581-022-1430 (asbestos management plans);
 - (C) OAR 581-022-1440 (infectious diseases);
 - (D) ORS 339.870 and OAR 581-021-0037 (administration of medications);
 - (E) OAR 437-002-1910.1030 (Oregon Occupational Safety and Health Division - blood borne pathogens);
 - (F) OAR 581-022-0705 (health services);
 - (G) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);

(H) ORS 181.539, 326.603, 326.607, 336.631, and 342.232 (criminal records checks) for all subject individuals as defined in OAR 581-022-1730, including private alternative school/program owner/operators who have direct, unsupervised contact with students;

(I) ORS 433.235 through 433.284 and OAR 333-050-0010 through 333-050-0120 (immunization records and reports); and

(J) ORS 659.850 and 659.855 (discrimination).

(5) The annual application must also include assurances and verifying documentation, as required by the Department, that the private alternative program:

(a) Has a mission statement;

(b) Maintains commercial general liability insurance with policy limits of at least \$ 1,000,000 and annually provides ODE with requested information or documentation showing the name of the insurance company, the number of the insurance policy, the policy limits covered by the policy, and the effective term of the policy;

(c) Identifies the grade levels to be served;

(d) Identifies which students will be served consistent with OAR 581-022-1350(4)(a)(A);

(e) Assists the contracting district in meeting its planned K-12 instructional program in compliance with OAR 581-022-1210;

(f) Provides instruction in the academic content standards adopted by the State Board of Education and that students participate in district and state assessments of achievement for the grade level(s) the program serves;

(g) Assists students in earning diploma credits consistent with OAR 581-022-2000 and 581-022-1131;

(h) Uses curriculum content, teaching practices, facilities, and management practices that do not violate constitutional prohibitions on religious entanglement;

(i) Develops, implements, and, if necessary, modifies an education plan consistent with OAR 581-022-1120(3)(a) and (b), and 581-022-2000(3), Diploma Requirements, for each student approved for placement in the program by the student's contracting district;

(j) In cooperation with each student's contracting district and parent, guardian, or other responsible adult, includes criteria in the student's education plan for determining if, how, when, and where the student may transition from the alternative education program;

(k) At least annually reports the results of each student's performance on district-wide and state-wide assessments to the student, the student's parents or legal guardians, and to the student's contracting district;

(l) Collects and reports to each contracting district and the state the student's local and state assessment, attendance, behavior, graduation, dropout, and other data required by the district and the state;

(m) If providing special education services or related services identified in any child's IEP, is approved by the ODE under OAR 581-015-0126;

(n) Maintains the confidentiality of student records consistent with the Family Educational Rights and Privacy Act, 34 CFR 99 et. seq. and maintains student records in compliance with Oregon Administrative Rules on student records;

(o) The school shall provide training for all students which is designed to prevent child abuse.

(p) The school shall include training for all school employees on the prevention and identification of child abuse and on the obligations of school employees to report child abuse based on policies adopted

by the school board or governing body. This training shall be updated and presented to all employees on an annual basis.

(q) The school shall make the training detailed in section (o) of this rule available to parents and legal guardians of children who attend a school operated by the education provider. The training shall be provided separately from the training provided to school employees under section (p) of this rule.

(r) Has procedures in place regarding staff hiring and evaluation that require:

(A) Checking personal and professional references for all potential employees;

(B) Criminal background checks in compliance with OAR 581-022-1730 and ORS 181.539, 326.603, 326.607 and 342.232 and to comply with section (9) of this rule, for all employees;

(C) A regular schedule of staff evaluations of the competencies of all employees that work with children; and

(D) Staff licensing/registration by the Oregon Teacher Standards and Practices Commission in compliance with OAR 584-036-0015;

(s) For purposes of claiming state school funds, has policies and procedures to ensure that:

(A) Students enrolled in a public school district and receiving instruction in the district's comprehensive planned K-12 curriculum consistent with OAR 581-022-1210 and who are individually placed by the school district in the alternative education program under ORS 336.635 are accounted for in compliance with OAR 581-023-0006(7);

(B) Students enrolled in schools consistent with ORS 336.135 and students enrolled in nonpublic schools or taught by a private teacher or parent under ORS 339.035 and who are supplementing their home, private, or other instruction by attending the alternative program part-time are accounted for in compliance with OAR 581-023-0006(6)(a); and

(C) The activities claimed for state school funds by the program are one or more of those in OAR 581-023-0008 as approved by the contracting school district; and

(t) Complies with each statute, rule or school district policy specified in a contract between the school district board and the private alternative education program; and

(u) Notifies the ODE and each contracting public school district of any written complaint it receives alleging non-compliance with this private alternative program registration rule.

(6) Each annual renewal application must include a copy of the written annual evaluation of the applicant private alternative program completed by each contracting public school district for the prior school year.

(7) Each private alternative program must provide an annual statement of program expenditures to each contracting district consistent with ORS 336.635(2).

(8) The Oregon Department of Education may monitor the procedure used by the private alternative program for reporting Full Time Equivalent (FTE) student enrollment for the purposes of basic school support.

(9) The Department of Education may deny, suspend, or revoke a private alternative program registration consistent with OAR 581-021-0073.

(10) No registered private alternative school/program shall be owned by or employ an individual who is not of good moral character and reputation.

(a) Upon review by the Department, the Superintendent may find a person not to be of good moral character and reputation when the person:

(A) Has been convicted of a felony or a misdemeanor that involves the illegal use, sale or possession of a controlled substance, or that involves any sexual offense, or any violent offense;

(B) Has been convicted of an offense involving fraud or misrepresentation, or has committed fraud, misrepresentation, or deceit or has committed unfair, deceptive, or unlawful trade practices regulated by the Oregon Unlawful Trade Practices Act (ORS 646.605-646.652); or

(C) Is currently subject to suspension or revocation under OAR 581-021-0073.

(b) The Superintendent shall not make a finding that a person is not of good moral character and reputation solely for the reason that the person has been convicted of a crime, but shall consider the relationship of the facts that support the conviction and all intervening circumstances as they relate to the specific occupational standards and requirements.

(11) As of the effective date of this rule, the Private Alternative Education Standards adopted by the State Board of Education December 5, 2002, are rescinded and replaced by sections (2)-(5) of this rule.

581-021-0073. Denial, suspension, or revocation of registration of private alternative program/school procedure.

(1) A registration applied for or issued under OAR 581-021-0072, Registration of Private Alternative Programs/Schools, may be denied, suspended, or revoked or renewal thereof denied, if:

(a) the private alternative program/school fails to comply with the requirements of OAR 581-021-0072;

(b) the program or its agents intentionally or knowingly make false, deceptive, inaccurate, or misleading representations of fact in any oral, written, visual, or electronic presentation in connection with the registration under OAR 581-021-0072; or

(c) requested information is not furnished when required.

(2) Suspension of private alternative school/program registration may be for a period of up to one year from the time of the suspension.

(3) Revocation of private alternative school/program registration will be for a period of one year from the time of the revocation.

(4) Consistent with ORS 336.631, a school district may not contract with or distribute public school funds to a private alternative program whose registration has been denied, suspended, or revoked under this rule. A contract with a private alternative program must provide that non-compliance with a statute or rule, or suspension or revocation of registration under this rule will result in termination of the contract.

(5) Denial, suspension or revocation of private alternative education school/program registration may be appealed under the provisions of ORS 183.484.

581-022-2505. Alternative education programs.

(1) Sections (2)(9) of this rule apply to each public or private alternative education program approved by a school district board on or after July 1, 2007. For the purposes of this rule, the term "program" includes "school."

(2) In order to provide innovative and more flexible ways of educating children, school districts may establish alternative education options within the public school system.

(3) School districts must adopt policies and procedures for the approval and at least annual evaluation of public and private alternative education programs under ORS 336.615-336.665 (Alternative Education Programs) that receive public funds. Those policies and procedures must provide that:

(a) The district's approval and at least annual evaluation must require that a public alternative program complies with all state statutes, rules and federal law applicable to public schools;

(b) Before contracting with or distributing any public school funds to a private alternative education program, the district must document that:

- (A) The program is registered with the Oregon Department of Education (ODE) under the provisions of OAR 581-021-0072 by receiving a copy of the Department's written notice that the program's registration is approved for the current school year;
- (B) The ODE has assigned the private alternative program an institution identification number;
- (C) Before contracting with or distributing any public school funds to any private alternative education program for special education services identified in a child's IEP, the program is approved by the Department in compliance with OAR 581-015-2270;
- (D) The program complies with the individual education plan for each student who is eligible to receive special education services;
- (E) An education plan and education profile that meet the requirements of OAR 581-022-2000 are designed and implemented with each student in the program;
- (F) The education plan includes criteria for determining if, when, where, and how the student may transition from the alternative program;
- (G) A transportation plan is in place ensuring that the program is accessible to each student approved for placement in the program;
- (H) The program assists the district in meeting its comprehensive K-12 instructional program in compliance with OAR 581-022-2030;
- (I) The program assures that it provides an instruction based on academic content standards adopted by the State Board of Education and that students participate in district and state assessments of achievement for the grade level(s) the program serves;
- (J) The program assists students in earning diploma credits consistent with OAR 581-022-2000, 581-022-2010 and 581-022-2020;
- (K) The program collects and reports to the district each student's local and state assessment, attendance, behavior, graduation, dropout, and other data required by the district and the state;
- (L) Student data is included in the district's at least annual evaluation of the program;
- (M) The program complies with federal law; and
- (N) If applicable, the private alternative education program is in compliance with its existing district contract.

(4) The contract between a school district and a private alternative education program must state that non-compliance with a rule or statute under this rule (OAR 581-022-2505) will result in the termination of the contract, and suspension or revocation of registration by the Department will terminate the district's contract with the private alternative program and that the private alternative education program's annual statement of expenditures is reviewed in the district's' evaluation in accordance with ORS 336.635(2).

(5) School districts shall adopt policies and procedures to approve placing students in district approved public alternative education programs and district approved private alternative education programs. Such policies and procedures must ensure that:

(a) Students placed in alternative education programs are those whose educational needs and interests are best served by participation in such programs and will include:

- (A) Students identified pursuant to ORS 339.250:
 - (i) Who are being considered for suspension or expulsion pursuant to ORS 339.250;
 - (ii) Who have been suspended or expelled pursuant to ORS 339.250;
 - (iii) Whose attendance patterns have been found to be so erratic that the students are not benefiting from the regular educational program; or

- (iv) Who have had a second or subsequent occurrence within any three-year period of a severe disciplinary problem;
 - (B) Students identified pursuant to ORS 329.485 and OAR 581-022-1110(5) who do not meet the standards or who exceed all of the standards at any benchmark level;
 - (C) Students admitted to the district pursuant to ORS 339.115 who have not yet turned 21 prior to the start of the school year and who need additional instruction to earn a diploma in compliance with OAR 581-022-2000;
 - (D) Students whose parents or legal guardians apply for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 and OAR 581-021-0076; and
 - (E) Others who are individually approved for placement consistent with the district's board policies regarding the placement;
- (b) Placement of a student in a public or private alternative education program may be made only if:
- (A) The student is a resident of the district and the district has legal responsibility for the student's education consistent with ORS 327.006(7);
 - (B) After assessing the student's needs and interests and consulting with the parent or guardian, the district determines that the student is not benefiting, has not benefited, or will not benefit from attendance in other district schools or programs;
 - (C) The alternative program is determined by the district to best serve the student within local and state academic standards; and
 - (D) Placement in the program is made consistent with the student's education plan pursuant to OAR 581-022-1120(3)(a) and (b) and 581-022-2000(3) and with district policies and procedures;
- (c) Placement in a public or private alternative education program must be made with the approval of the student's resident school district and attending school district; and
- (d) Payment to private alternative education providers must be the actual cost of the program or an amount at least equivalent to 80 percent of the district's estimated current year's average per student net operating expenditure, whichever is less.
- (6) A school district must adopt policies and procedures for notification of students, parents or guardians of students of:
- (a) The law regarding alternative education programs;
 - (b) The availability of existing alternative education programs; and
 - (c) The procedures for students, parents, or guardians of students residing in the district to request the establishment of new alternative education programs.
- (7) School districts must include opportunities for participation by educators, community members, and parents or guardians in the development of policies and procedures under this rule.
- (8) School districts must have policies and procedures in place to ensure that, for the purposes of making claims for state school funds;
- (a) Students enrolled in a public school district and receiving instruction in the district's comprehensive planned K12 curriculum consistent with OAR 581-022-2030 and who are individually placed by the school district in an alternative education programs are accounted consistent with 581-023-0006(7);
 - (b) Students supplementing home or private schooling by attending part-time and receiving less than comprehensive education from the district are accounted consistent with OAR 581-023-0006(6)(a);
 - (c) Students receiving online instruction are accounted consistent with reporting guidelines published in the Oregon Student Personnel Accounting Manual, and

(d) Activities claimed for state school funds and credits awarded in the alternative education program consistent with OAR 581-023-0008 are approved by the district and by the contract between a private alternative program and the district.

(9) School districts must have policies and procedures in place to ensure that data for each student in public and private alternative education programs are included in district reporting as required by ODE.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

166.370. Possession of firearm or dangerous weapon in public building or court facility; exceptions; discharging firearm at school.

(1) Any person who intentionally possesses a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be guilty of a Class C felony.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who intentionally possesses:

(A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement officer.

(B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon to a law enforcement officer or to immediately remove it from the court facility. A person who fails to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

(C) A firearm in a local court facility is guilty, upon conviction, of a Class C felony if, prior to the offense, the presiding judge of the local court facility entered an order prohibiting firearms in the area in which the court conducts business and during the hours in which the court operates.

(b) The presiding judge of a judicial district or a municipal court may enter an order permitting the possession of specified weapons in a court facility.

(c) Within a shared court facility, the presiding judge of a municipal court or justice of the peace district may not enter an order concerning the possession of weapons in the court facility that is in conflict with an order entered by the presiding judge of the circuit court.

(3) Subsection (1) of this section does not apply to:

(a) A police officer or reserve officer, as those terms are defined in ORS 181A.355.

(b) A parole and probation officer, as defined in ORS 181A.355, while the parole and probation officer is acting within the scope of employment.

(c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections officer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer or corrections officer is acting within the scope of employment.

(d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection to assist in making an arrest or preserving the peace, while the summoned person is engaged in assisting the officer.

(e) An honorably retired law enforcement officer.

(f) An active or reserve member of the military forces of this state or the United States, when engaged in the performance of duty.

(g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

(h) A person who is authorized by the officer or agency that controls the public building to possess a firearm or dangerous weapon in that public building.

(i) An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a firearm in the course of the lawful taking of wildlife.

- (j) Possession of a firearm on school property if the firearm:
 - (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and
 - (B) Is unloaded and locked in a motor vehicle.
- (4)(a) The exceptions listed in subsection (3)(d) to (j) of this section constitute affirmative defenses to a charge of violating subsection (1) of this section.
 - (b) A person may not use the affirmative defense described in subsection (3)(e) of this section if the person has been convicted of an offense that would make the person ineligible to obtain a concealed handgun license under ORS 166.291 and 166.292.
- (5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges or attempts to discharge a firearm at a place that the person knows is a school shall upon conviction be guilty of a Class C felony.
 - (b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:
 - (A) As part of a program approved by a school in the school by an individual who is participating in the program;
 - (B) By a law enforcement officer acting in the officer's official capacity; or
 - (C) By an employee of the United States Department of Agriculture, acting within the scope of employment, in the course of the lawful taking of wildlife.
- (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS 166.279.
- (7) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes a violation of both subsections (1) and (5) of this section, the district attorney may charge the person with only one of the offenses.
- (8) As used in this section, "dangerous weapon" means a dangerous weapon as that term is defined in ORS 161.015.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

- (1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority.
- (2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:
 - (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
 - (A) Willful disobedience;
 - (B) Open defiance of the authority of a school employee;
 - (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
 - (D) Use or display of profane or obscene language;
 - (E) Willful damage or injury to school property;
 - (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
 - (G) Assault of a school employee or another student; or
 - (H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.
 - (b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.

- (c) Must limit the use of expulsion to the following circumstances:
 - (A) For conduct that poses a threat to the health or safety of students or school employees;
 - (B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
 - (C) When the expulsion is required by law.
 - (d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:
 - (A) For nonaccidental conduct causing serious physical harm to a student or school employee;
 - (B) When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or
 - (C) When the suspension or expulsion is required by law.
 - (e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.
 - (f) Must be limited so that:
 - (A) The duration of an expulsion may not be more than one calendar year.
 - (B) The duration of a suspension may not be more than 10 school days.
 - (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.
- (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:
- (a) Defines and helps create a learning environment that students respect;
 - (b) Defines acceptable norms of behavior for students and the types of behavior that are subject to discipline;
 - (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;
 - (d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and
 - (e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.
- (4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:
- (a) Staff reporting methods.
 - (b) Provisions that allow an administrator to consider and implement any of the following options:
 - (A) Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.
 - (B) Placing the student in a setting where the behavior will receive immediate attention, including, but not limited to, the office of the school principal, vice principal, assistant principal, counselor or a

school psychologist licensed by the Teacher Standards and Practices Commission or the office of any licensed mental health professional.

(C) Requiring that a school obtain an evaluation of a student by a licensed mental health professional before allowing the student to return to the classroom setting. A student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. The policy must describe the circumstances under which the district school board may enter into contracts with licensed mental health professionals to perform any evaluations required under this subparagraph.

(c) The requirement that an administrator provide to the parent or legal guardian of the student notification that describes the student's behavior and the school's response.

(d) A provision for the allocation of any funds necessary for the school district to implement the policies described in this subsection.

(5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:

(a) Protect students and school employees from harm;

(b) Provide opportunities for students to learn from their mistakes;

(c) Foster positive learning communities;

(d) Keep students in school and attending class;

(e) Impose disciplinary sanctions without bias against students from a protected class, as defined in ORS 339.351;

(f) Implement a graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to each student's individual conduct;

(g) Employ a range of strategies for prevention, intervention and discipline that take into account a student's developmental capacities and that are proportionate to the degree and severity of the student's misbehavior;

(h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:

(A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or

(B) When a parent or legal guardian applies for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);

(i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and

(j) Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.

(6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

- (a) Require expulsion from school for a period of not less than one year of any student who is determined to have:
 - (A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;
 - (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or
 - (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.
- (b) Allow exceptions:
 - (A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and
 - (B) Identified by and adopted by the State Board of Education by rule.
- (c) Allow a superintendent of a school district to:
 - (A) Modify the expulsion requirement for a student on a case-by-case basis.
 - (B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.
- (d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.
- (e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.
- (8) Each district school board shall adopt and disseminate written policies for the use of physical force upon a student. The policies must allow an individual who is a teacher, administrator, school employee or school volunteer to use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.
- (9)(a) The authority to discipline a student does not authorize the infliction of corporal punishment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public charter school or the Department of Education that permits or authorizes the infliction of corporal punishment upon a student is void and unenforceable.
 - (b) As used in this subsection:
 - (A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a student.
 - (B) "Corporal punishment" does not include:
 - (i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or
 - (ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.
- (10) For purposes of this section, calculations of the number of school days that a student is removed from a classroom setting shall be as follows:
 - (a) As a half day if the student is out of school for half, or less than half, of the scheduled school day; and

(b) As a full day if the student is out of school for more than half of the scheduled school day.

339.315. Report required if person has unlawful firearm or destructive device; immunity; law enforcement investigation required.

(1)(a) Any employee of a public school district, an education service district or a private school who has reasonable cause to believe that a person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382 shall report the person's conduct immediately to a school administrator, school director, the administrator's or director's designee or law enforcement agency within the county. A school administrator, school director or the administrator's or director's designee, who has reasonable cause to believe that the person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382, shall promptly report the person's conduct to a law enforcement agency within the county. If the school administrator, school director or employee has reasonable cause to believe that a person has been in possession of a firearm or destructive device as described in this paragraph more than 120 days previously, the school administrator, school director or employee may report the person's conduct to a law enforcement agency within the county.

(b) Anyone participating in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the report. Any participant has the same immunity with respect to participating in any judicial proceeding resulting from the report.

(c) Except as required by ORS 135.805 to 135.873 and 419C.270 (5) or (6), the identity of a person participating in good faith in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is confidential and may not be disclosed by law enforcement agencies, the district attorney or any public or private school administrator, school director or employee.

(2) When a law enforcement agency receives a report under subsection (1) of this section, the law enforcement agency shall promptly conduct an investigation to determine whether there is probable cause to believe that the person, while in a school, did possess a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382.

(3) As used in this section, "school" means:

(a) A public or private institution of learning providing instruction at levels kindergarten through grade 12, or their equivalents, or any part thereof;

(b) The grounds adjacent to the institution; and

(c) Any site or premises that at the time is being used exclusively for a student program or activity that is sponsored or sanctioned by the institution, a public school district, an education service district or a voluntary organization and that is posted as such.

(4) For purposes of subsection (3)(c) of this section, a site or premises is posted as such when the sponsoring or sanctioning entity has posted a notice identifying the sponsoring or sanctioning entity and stating, in substance, that the program or activity is a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.

REGULATIONS

581-015-2425. Removal to an interim alternative educational setting by school district.

(1) Definitions:

(a) "Drug" means illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or otherwise legally possessed. It does not include alcohol or tobacco.

(b) "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school function.

(c) "Serious bodily injury" means bodily injury, which involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

(d) "Weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 1/2 inches in length.

(e) "Weapon violation" means carrying a weapon to school or to a school function or acquiring a weapon at school.

(2) School districts may remove a child with disabilities from their current educational placement to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is determined to be a manifestation of the child's disability for:

(a) A drug or weapon violation as defined in subsection (1); or

(b) If the child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Department or a school district.

(3) A removal for a drug or weapon violation, or for inflicting serious bodily injury, is considered a change in placement.

(4) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a removal under subsection (2) for a child with a disability who violates a code of conduct.

(5) For removals described in subsection (2) of this rule, school districts must:

(a) On the date on which the decision is made to remove the student under subsection (2), notify the parents of that decision and provide the parents with notice of procedural safeguards under OAR 581-015-2315;

(b) Provide the services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2435;

(c) Within 10 school days of any decision to remove a child under subsection (2), determine whether the child's behavior is a manifestation of the child's disability in accordance with OAR 581-015-2420; and

(d) Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(6) Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination, removal to the interim alternative educational setting, or any decision about placement related to a disciplinary removal under section (2) of this rule, the child remains in the interim alternative educational setting pending the decision of the administrative law judge under OAR 581-015-2445, or until the end of the removal under section (2), whichever occurs first, unless the parent and school district agree otherwise.

581-021-0055. Standards of conduct.

(1) Students shall comply with the written rules of the school district board, pursue the prescribed course of study, submit to the lawful authority of teachers and school officials, and conduct themselves in an orderly fashion.

(2) Students shall be liable to discipline, suspension, or expulsion for misconduct, including but not limited to:

- (a) Theft;
- (b) Disruption of the school;
- (c) Damage or destruction of school property;
- (d) Damage or destruction of private property on school premises or during a school activity;
- (e) Assault or threats of harm;
- (f) Unauthorized use of weapons or dangerous instruments;
- (g) Unlawful use of drugs, narcotics, or alcoholic beverages;
- (h) Persistent failure to comply with rules of the lawful directions of teachers or school officials.

Students with Chronic Disciplinary Issues

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

- (1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority.
- (2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:
 - (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
 - (A) Willful disobedience;
 - (B) Open defiance of the authority of a school employee;
 - (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
 - (D) Use or display of profane or obscene language;
 - (E) Willful damage or injury to school property;
 - (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
 - (G) Assault of a school employee or another student; or
 - (H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.
 - (b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.
 - (c) Must limit the use of expulsion to the following circumstances:
 - (A) For conduct that poses a threat to the health or safety of students or school employees;
 - (B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
 - (C) When the expulsion is required by law.
 - (d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:
 - (A) For nonaccidental conduct causing serious physical harm to a student or school employee;

(B) When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or

(C) When the suspension or expulsion is required by law.

(e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.

(f) Must be limited so that:

(A) The duration of an expulsion may not be more than one calendar year.

(B) The duration of a suspension may not be more than 10 school days.

(g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.

(3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:

(a) Defines and helps create a learning environment that students respect;

(b) Defines acceptable norms of behavior for students and the types of behavior that are subject to discipline;

(c) Establishes procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;

(d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and

(e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.

(4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:

(a) Staff reporting methods.

(b) Provisions that allow an administrator to consider and implement any of the following options:

(A) Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.

(B) Placing the student in a setting where the behavior will receive immediate attention, including, but not limited to, the office of the school principal, vice principal, assistant principal, counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or the office of any licensed mental health professional.

(C) Requiring that a school obtain an evaluation of a student by a licensed mental health professional before allowing the student to return to the classroom setting. A student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. The policy must describe the circumstances under which the district school board may enter into contracts with licensed mental health professionals to perform any evaluations required under this subparagraph.

(c) The requirement that an administrator provide to the parent or legal guardian of the student notification that describes the student's behavior and the school's response.

(d) A provision for the allocation of any funds necessary for the school district to implement the policies described in this subsection.

(5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:

- (a) Protect students and school employees from harm;
- (b) Provide opportunities for students to learn from their mistakes;
- (c) Foster positive learning communities;
- (d) Keep students in school and attending class;
- (e) Impose disciplinary sanctions without bias against students from a protected class, as defined in ORS 339.351;
- (f) Implement a graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to each student's individual conduct;
- (g) Employ a range of strategies for prevention, intervention and discipline that take into account a student's developmental capacities and that are proportionate to the degree and severity of the student's misbehavior;
- (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:
 - (A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or
 - (B) When a parent or legal guardian applies for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);
- (i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and
- (j) Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.

(6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

- (a) Require expulsion from school for a period of not less than one year of any student who is determined to have:
 - (A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;
 - (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or
 - (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.
- (b) Allow exceptions:

(A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and

(B) Identified by and adopted by the State Board of Education by rule.

(c) Allow a superintendent of a school district to:

(A) Modify the expulsion requirement for a student on a case-by-case basis.

(B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

(d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.

(e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.

(8) Each district school board shall adopt and disseminate written policies for the use of physical force upon a student. The policies must allow an individual who is a teacher, administrator, school employee or school volunteer to use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.

(9)(a) The authority to discipline a student does not authorize the infliction of corporal punishment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public charter school or the Department of Education that permits or authorizes the infliction of corporal punishment upon a student is void and unenforceable.

(b) As used in this subsection:

(A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a student.

(B) "Corporal punishment" does not include:

(i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

(ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

(10) For purposes of this section, calculations of the number of school days that a student is removed from a classroom setting shall be as follows:

(a) As a half day if the student is out of school for half, or less than half, of the scheduled school day; and

(b) As a full day if the student is out of school for more than half of the scheduled school day.

REGULATIONS

581-015-2415. Disciplinary removals of more than 10 school days (pattern or consecutive).

(1) A disciplinary removal is considered a change in educational placement and the school district must follow special education due process procedures if:

(a) The removal will be for more than 10 consecutive school days (e.g. expulsion); or

(b) The child will be removed for more than 10 cumulative school days from their current educational placement in a school year, and those removals constitute a pattern under OAR 581-015-2410(2).

(2) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary removal under subsection (1) for a child with a disability who violates a code of conduct.

(3) Manifestation determination. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school district must determine whether the child's behavior is a manifestation of the student's disability in accordance with OAR 581-015-2420.

(4) Manifestation. If the determination under subsection (3) is that the child's behavior is a manifestation of the child's disability, the school district must:

(a) Return the child to the placement from which the child was removed, unless:

(A) The parent and school district agree to a change of placement as part of the modification of the behavioral intervention plan under subsection (4)(b);

(B) The school district removes the child to an interim alternative educational setting under OAR 581-015-2425 for a weapons or drug violation or for infliction of serious bodily injury; or

(C) The school district obtains an order from an administrative law judge under OAR 581-015-2430 allowing a change in placement to an interim alternative educational setting for injurious behavior; and

(b) Either:

(A) Conduct a functional behavioral assessment, unless the school district conducted a functional behavioral assessment before the behavior occurred that prompted the disciplinary action, and implement a behavior intervention plan; or

(B) If the student already has a behavior plan, review the behavioral intervention plan and modify it, as necessary, to address the behavior.

(5) No manifestation. If the determination under subsection (3) is that the child's behavior is not a manifestation of the child's disability:

(a) The school district may proceed with disciplinary action applicable to children without disabilities under section (1) of this rule, in the same manner and for the same duration in which the procedures would be applied to children without disabilities.

(b) If the school district takes such action applicable to all children, the school district must:

(A) On the date on which the decision is made to remove the student under subsection (5), notify the parents of that decision and provide the parents with notice of procedural safeguards under OAR 581-015-2315.

(B) Provide services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2435; and

(C) Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(6) Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination or any decision about placement related to the disciplinary removal in section (1) of this rule, the child remains in the interim alternative educational setting pending the decision of the administrative law judge under OAR 581-015-2445, or until the end of the disciplinary removal under subsection (1), whichever occurs first, unless the parent and school district agree otherwise.

581-021-0055. Standards of conduct.

- (1) Students shall comply with the written rules of the school district board, pursue the prescribed course of study, submit to the lawful authority of teachers and school officials, and conduct themselves in an orderly fashion.
- (2) Students shall be liable to discipline, suspension, or expulsion for misconduct, including but not limited to:
 - (a) Theft;
 - (b) Disruption of the school;
 - (c) Damage or destruction of school property;
 - (d) Damage or destruction of private property on school premises or during a school activity;
 - (e) Assault or threats of harm;
 - (f) Unauthorized use of weapons or dangerous instruments;
 - (g) Unlawful use of drugs, narcotics, or alcoholic beverages;
 - (h) Persistent failure to comply with rules of the lawful directions of teachers or school officials.

Chronic Absenteeism and Truancy

LAWS

327.871. Portion of funds for dropout-prevention strategies in high schools.

- (1) A school district shall use a portion of the amount apportioned under ORS 327.859 to establish or expand dropout-prevention strategies in all high schools.
- (2) For purposes of this section, the dropout-prevention strategies must include:
 - (a) Implementing activities designed to reduce chronic absenteeism;
 - (b) Establishing and maintaining data management systems that provide timely reports on students' grades, absences and discipline by school and by course;
 - (c) Beginning with grade 8, using attendance, course grades, credits earned and disciplinary referrals to identify students at risk of not graduating;
 - (d) Beginning in the summer after grade 8, providing academic and social supports for students at risk of not graduating to ensure that the students are on track to graduate by the time the students enter grade 10 and stay on track to graduate after entering grade 10, including such supports as summer programs, additional instructional time before and after school hours, tutoring or small-group instruction during the school day or counseling services; and
 - (e) Providing counseling and coaching to provide early exposure for students to employment opportunities and requirements and options for post-secondary education.
- (3) The portion of funds to be used as described in this section shall be determined as provided by ORS 327.874.

339.055. Duties of attendance supervisors.

The attendance supervisor when notified of a truancy or unexcused absence shall investigate the truancy or nonattendance at school. If the child is not exempt from compulsory school attendance, the attendance supervisor shall proceed as provided in ORS 339.080 and 339.090.

339.071. Attendance notification policy.

- (1) Each district school board shall adopt an attendance notification policy that satisfies the requirements of this section.
- (2) An attendance notification policy must:
 - (a) Be implemented by each school in the school district; and
 - (b) Require that each school ensure that a parent or other person in parental relationship to a child is notified by the end of the school day on any day that the child has an unplanned absence.
- (3)(a) Notification required by subsection (2)(b) of this section must be provided:
 - (A) In person;
 - (B) Directly by telephone; or
 - (C) By any other method identified in writing by the parent or person in parental relationship to the child.
 - (b) If a parent or other person in parental relationship to a child cannot be contacted in person or directly by telephone and another method has not been identified by the parent or person, a message shall be left for the parent or person, if possible.
- (4) Notice of the child's absence shall be provided to the attendance supervisor, who shall proceed as provided in ORS 339.055, if:
 - (a) Notification is not provided in person or directly by telephone; and
 - (b) The parent or other person in parental relationship to the child has not confirmed within the timeline established by the attendance notification policy that the parent or person has received notification.

339.080. Nonattendance notice to parents, school officials and parole or probation officer.

- (1) Except as provided in ORS 339.030, in case any parent or other person in parental relation fails to send any child under the control of the parent or other person to the public school, the attendance supervisor, within 24 hours after notification from the proper authority of the failure, shall give formal written notice in person or by registered or certified mail to the parent or other person.
- (2) The notice required by subsection (1) of this section must inform the parent or other person in parental relation that:
 - (a) The child must appear at the public school on the next school day following the receipt of the notice.
 - (b) Regular attendance at school must be maintained during the remainder of the school year.
 - (c) The parent or other person in parental relation has the right to request:
 - (A) For a child who does not have an individualized education program, an evaluation to determine if the child should have an individualized education program; or
 - (B) For a child who has an individualized education program, a review of the individualized education program.
- (3) At the same time notice is given to the parent or other person, the attendance supervisor shall notify the superintendent or principal, as suitable, of the fact of the notice. The superintendent or principal shall notify the attendance supervisor of any failure on the part of the parent or other person to comply with the notice.
- (4) If the child who is the subject of a notice under subsection (1) of this section is a youth offender on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor shall notify the child's parole or probation officer of the child's absence.

339.090. Determination of compliance; notice to district superintendent.

The attendance supervisor shall determine whether the parent or other person given written notice of attendance requirements has complied with the notice. If the attendance supervisor determines that the parent or other person has failed to comply, the attendance supervisor, within three days after having knowledge of such failure or after being notified thereof, shall notify the district superintendent.

339.095. Compulsory school attendance violation procedure; rules.

(1) In addition to any other persons permitted to enforce violations, the school district superintendent or education service district superintendent, or any employee specifically designated by either superintendent, may issue citations for violations established under ORS 339.990 in the manner provided by ORS chapter 153.

(2) Prior to issuing the citation described in subsection (3) of this section to the parent or guardian of a student not regularly attending full-time school, a school district superintendent or education service district superintendent shall:

(a) Provide a parent or guardian of the student and the student with written notification that:

(A) States that the student is required to attend regularly a full-time school;

(B) Explains that the failure to send the student and maintain the student in regular attendance is a Class C violation;

(C) States that the superintendent may issue a citation;

(D) Requires the parent or guardian of the student and the student to attend a conference with a designated official;

(E) States that the parent or guardian has the right to request:

(i) For a student who does not have an individualized education program, an evaluation to determine if the student should have an individualized education program; or

(ii) For a student who has an individualized education program, a review of the individualized education program; and

(F) Is written in the native language of the parent or guardian of the student.

(b) Schedule the conference described in paragraph (a)(D) of this subsection. A conference may not be scheduled until after any evaluations or reviews described in paragraph (a)(E) of this subsection have been completed.

(3) Notwithstanding ORS 1.525 or any provision of ORS chapter 153, the State Board of Education by rule shall establish the citation form to be used by superintendents in citing violations established under ORS 339.990. Notwithstanding ORS 153.045, each of the parts of the citation shall contain the information required by the state board.

REGULATIONS

581-020-0631. Definitions: Chronic Absenteeism.

The following definitions apply to Oregon Administrative Rules 581-020-0630 through 581-020-0651:

(1) "Aversion to attending school" means a circumstance that causes a student to have an aversion to attending school, such as unsafe school conditions, bullying, or harassment or embarrassment resulting from a lack of culturally responsive teaching, a disability, or discipline.

(2) "Barrier to attending school" means a circumstance preventing a student from attending school, such as an illness, poor transportation, the need to work, the need to fulfill a family duty, or the need to fulfill an obligation for purposes related to juvenile justice.

- (3) "Chronic absenteeism" means not attending school for 10 percent or more than 10 percent of school days in a school year.
- (4) "Disengagement from school" means a circumstance that causes a student to become disengaged from school, such as not having a meaningful relationship with any adults who work at the school or not finding anything relevant to the student's life in school curriculum.
- (5) "Misconception concerning school" means a belief that causes a student to not attend school, such as not seeing value in attending school, not understanding the importance of attending school in the early grades, or prioritizing nonessential activities over attending school.
- (6) "Rate of chronic absenteeism" means the percent of students attending a school district or education school district who are chronically absent.
- (7) "Root causes of chronic absenteeism" include barriers to attending school, aversions to attending school, misconceptions concerning school, disengagement from school, and other circumstances or beliefs that cause a student to not attend school.
- (8) "Rural district" means a school district located in this state and in a city with a population of fewer than 2,500 people or in an unincorporated area.
- (9) "Stakeholders" includes students, parents, guardians, other family members, local governments, tribes, community organizations, local businesses, culturally specific organizations, health care organizations and providers, public health agencies, transportation providers, and education based agencies and organizations.
- (10) "Suburban district" means a school district located in this state and in a city that is a suburb of Bend, Corvallis, Eugene, Medford, Portland, or Salem.
- (11) "Town district" means a school district located in this state and in a city with a population of 2,500 or more people.
- (12) "Urban district" means a school district located in Bend, Corvallis, Eugene, Medford, Portland, or Salem.

581-020-0634. Chronic Absenteeism Support Program.

A Chronic Absenteeism Support Program is established to:

- (1) Reduce chronic absenteeism;
- (2) Identify school districts that have a high rate of chronic absenteeism;
- (3) Inform identified school districts of their high rate of chronic absenteeism;
- (4) Provide identified school districts with information related to best practices for reducing chronic absenteeism and the technical assistance necessary to reduce chronic absenteeism;
- (5) Include stakeholder voice that mirrors the diversity of the community to facilitate an equitable and inclusive approach to reducing chronic absenteeism;
- (6) Develop regional consortia for the purpose of reducing chronic absenteeism throughout the state; and
- (7) Provide targeted assistance to school districts that have the highest rates of chronic absenteeism.

581-020-0637. Identifying School Districts with a High Rate of Chronic Absenteeism.

- (1) Each biennium, the Oregon Department of Education shall identify school districts with a rate of chronic absenteeism that is 10 percent or more than 10 percent of students attending the school district.
- (2) The department shall inform school districts identified under this rule of the rate at which chronic absenteeism occurs in the school district.

(3) School districts identified under this rule may elect to be a part of a regional consortium as described in OAR 581-020-0639.

(4) If selected by the department under OAR 581-020-0642, a school district identified under this rule may agree to receive targeted assistance under OAR 581-020-0645.

581-020-0640. Regional Consortia.

(1) The Oregon Department of Education shall implement a regional consortia model for the purpose of reducing chronic absenteeism throughout the state.

(2) The regional consortia model implemented under this rule must use regional consortia to provide regional support to school districts identified under OAR 581-020-0636 as having a high rate of chronic absenteeism that are located in the geographic area governed by the regional consortium.

(3) Each regional consortium must:

(a) Have a regional governance structure;

(b) Use a regional coordinator to establish communications between the department and school districts that are members of the consortium;

(c) Disseminate to school districts that are members of the consortium information developed by the department related to best practices for reducing chronic absenteeism;

(d) Conduct activities to reduce chronic absenteeism;

(e) Develop plans to reduce chronic absenteeism in conjunction with school districts that are members of the consortium, and with the timely and meaningful involvement of stakeholders;

(f) Provide school districts that are members of the consortium with available resources for the purposes of participating in activities conducted under this rule and implementing plans developed under this rule;

(g) Collect data from school districts that are members of the consortium on the effectiveness of activities conducted under this rule and plans developed under this rule; and

(h) Provide data collected under this rule to the department.

(4) In fulfilling its duties under this section, a school district must:

(a) Consider the root causes of chronic absenteeism;

(b) Identify student populations disproportionately affected by chronic absenteeism;

(c) Include stakeholders when developing a plan pursuant to subsection (3)(e) of this rule; and

(d) Include stakeholders when implementing and evaluating the plan developed pursuant to subsection (3)(e) of this rule.

(5) Plans developed pursuant to subsection (3)(e) of this rule must:

(a) Target the circumstances or beliefs identified as causing chronic absenteeism, including any barrier to attending school, aversion to attending school, misconception concerning school, or disengagement from school;

(b) Account for student populations disproportionately affected by chronic absenteeism;

(c) Be equitable and inclusive in their application to those student populations;

(d) Be culturally responsive; and

(e) Be trauma sensitive.

581-020-0643. Selecting School Districts to Receive Targeted Assistance.

(1) The Oregon Department of Education shall implement a regional consortia model for the purpose of reducing chronic absenteeism throughout the state.

- (2) The regional consortia model implemented under this rule must use regional consortia to provide regional support to school districts identified under OAR 581-020-0636 as having a high rate of chronic absenteeism that are located in the geographic area governed by the regional consortium.
- (3) Each regional consortium must:
- (a) Have a regional governance structure;
 - (b) Use a regional coordinator to establish communications between the department and school districts that are members of the consortium;
 - (c) Disseminate to school districts that are members of the consortium information developed by the department related to best practices for reducing chronic absenteeism;
 - (d) Conduct activities to reduce chronic absenteeism;
 - (e) Develop plans to reduce chronic absenteeism in conjunction with school districts that are members of the consortium, and with the timely and meaningful involvement of stakeholders;
 - (f) Provide school districts that are members of the consortium with available resources for the purposes of participating in activities conducted under this rule and implementing plans developed under this rule;
 - (g) Collect data from school districts that are members of the consortium on the effectiveness of activities conducted under this rule and plans developed under this rule; and
 - (h) Provide data collected under this rule to the department.
- (4) In fulfilling its duties under this section, a school district must:
- (a) Consider the root causes of chronic absenteeism;
 - (b) Identify student populations disproportionately affected by chronic absenteeism;
 - (c) Include stakeholders when developing a plan pursuant to subsection (3)(e) of this rule; and
 - (d) Include stakeholders when implementing and evaluating the plan developed pursuant to subsection (3)(e) of this rule.
- (5) Plans developed pursuant to subsection (3)(e) of this rule must:
- (a) Target the circumstances or beliefs identified as causing chronic absenteeism, including any barrier to attending school, aversion to attending school, misconception concerning school, or disengagement from school;
 - (b) Account for student populations disproportionately affected by chronic absenteeism;
 - (c) Be equitable and inclusive in their application to those student populations;
 - (d) Be culturally responsive; and
 - (e) Be trauma sensitive.

581-020-0646. Targeted Assistance.

- (1) If selected by the Oregon Department of Education under OAR 581-020-0642, a school district may agree to receive targeted assistance under this rule.
- (2) A school district that receives targeted assistance under this rule must file with the department a report assessing the school district's needs related to chronic absenteeism. The report must:
- (a) Identify the root causes of chronic absenteeism in the school district;
 - (b) Identify student populations disproportionately affected by chronic absenteeism in the school district; and
 - (c) Identify resources that may reduce chronic absenteeism in the school district.

(3) In consideration of the report, the department shall develop a plan to reduce chronic absenteeism in the school district in conjunction with the school district and stakeholders. The plan must propose solutions to chronic absenteeism that:

- (a) Target the circumstances or beliefs identified as causing chronic absenteeism, including any barrier to attending school, aversion to attending school, misconception concerning school, or disengagement from school;
- (b) Account for student populations disproportionately affected by chronic absenteeism;
- (c) Are equitable and inclusive in its application to those student populations;
- (d) Are culturally responsive; and
- (e) Are trauma sensitive.

(4) In implementing a plan developed under this rule, a school district must collaborate with a coach approved by the department pursuant to OAR 581-020- 0648.

(5) Upon request, school districts shall submit to the department data on the effectiveness of plans developed under this rule.

581-020-0649. Chronic Absenteeism Coaches.

(1) For the purpose of assisting the implementation of a plan developed under OAR 581-020-0645, a school district must collaborate with a coach approved by the Oregon Department of Education who is knowledgeable about chronic absenteeism. A coach with whom a school district collaborates under this rule must be able to:

- (a) Identify students who are at risk of being chronically absent;
- (b) Identify student populations disproportionately affected by chronic absenteeism;
- (c) Propose solutions to chronic absenteeism that:
 - (A) Target the circumstances or beliefs identified as causing chronic absenteeism, including any barrier to attending school, aversion to attending school, misconception concerning school, or disengagement from school; and
 - (B) Account for student populations disproportionately affected by chronic absenteeism;
 - (C) Are equitable and inclusive in their application to those student populations;
 - (D) Are culturally responsive; and
 - (E) Are trauma sensitive.

(2) In addition to the other requirements described in this rule, a coach with whom a school district collaborates under this rule must:

- (a) Be experienced working with, and be able to engage, a wide variety of stakeholders; and
- (b) Have a demonstrated history of using a collaborative approach to problem solving.

581-021-0050. Minimum standards for student conduct and discipline.

(1) School district boards shall prepare written rules of pupil conduct and discipline that shall include, but not necessarily be limited to, the following topics:

- (a) Assembly of students;
- (b) Dress and grooming;
- (c) Motorized and nonmotorized vehicles;
- (d) Search and seizure;
- (e) Attendance;

- (f) Freedom of expression;
- (g) Alcohol, drugs, and tobacco;
- (h) Student records;
- (i) Discipline, suspension, and expulsion.

(2) School district rules pertaining to these topics shall include statements on student rights, responsibilities, and conditions which create a need for these rules.

581-021-0077. Compulsory Attendance Notices and Citation.

(1) Definitions for purposes of this rule:

- (a) "Parent" means parent, guardian or other person having control of a minor child who has not completed the 12th grade or is not otherwise legally exempt from compulsory attendance under ORS 339.030.
- (b) "Student" means a minor between the ages of 7 and 18 who has not completed the 12th grade, and who is not exempt from compulsory attendance under ORS 339.030.
- (c) "Superintendent" means the superintendent of a public school district or the superintendent's designee.
- (d) "Attendance supervisor" means an official appointed under ORS 339.040.
- (e) "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which the school is in session.

(2) Notice of Attendance Supervisor. When an attendance supervisor determines a parent has failed to enroll his or her child and to maintain such child in regular attendance at a public school, the attendance supervisor shall give written notification to the parent within 24 hours of being informed of the failure. The notice may be served personally or by certified mail.

- (a) The notice shall state that the student must appear at the public school on the next school day following receipt of the notice and maintain regular attendance for the remainder of the school year.
- (b) The notice shall state that the parent has the right to request for a child who does not have an Individualized Education Program, an evaluation to determine if the child should have an Individualized Education Program; or for a child who has an Individualized Education Program, a review of the Individualized Education Program.
- (c) The attendance officer, at the time the notice is served to the parent, shall notify the district superintendent, principal or other appropriate school official.

(3) Notice of Superintendent. If the parent receiving the notice of the attendance supervisor does not comply with that notice, the attendance officer, within three days of knowledge of such noncompliance, shall notify the superintendent. Upon notification by the attendance officer, the superintendent may issue a citation as set forth in Attachment A of this rule.

(4) Prior to issuing the citation set forth in Attachment A, the superintendent, by personal service or certified mail, shall serve the parent written notification that:

- (a) States that the student is required to regularly attend a full-time school;
- (b) Explains that the failure to send the student and to maintain the student in regular attendance is a Class C violation;
- (c) States that the superintendent may issue a citation;
- (d) Requires the parent and the student to attend a conference with a designated school official; and
- (e) States that the parent has the right to request for a child who does not have an Individualized Education Program, an evaluation to determine if the child should have an Individualized Education

Program; or for a child who has an Individualized Education Program, a review of the Individualized Education Program.

(f) Is written in the native language of the parent or guardian of the student.

(5) The superintendent shall schedule the conference described in section (4)(d) of this rule. A conference may not be scheduled until after any evaluations or reviews described in subsections 2(b) and 4(e) of this rule have been completed. If the parent does not attend the conference or fails to send the child to public school after the conference, the superintendent may issue a citation provided by the Department of Education in the form set forth as Attachment A which is incorporated by reference into this rule. The citation shall be served in person.

581-021-0081. Student Absences.

(1) Definitions for the purpose of this rule:

(a) "Family member or Caregiver" means a family member or caregiver responsible for and appointed to represent a student.

(b) "Student" means a minor between the ages of 6 and 18 who has not completed the 12th grade, and who is not exempt from compulsory attendance under ORS 339.030.

(c) "Eligible Student" means a student who has reached 18 years of age, a legally emancipated student, or a student who is attending only an institution of postsecondary education and is not enrolled in a secondary school.

(d) "Excused absence" means an absence from school as allowed in ORS 339.065.

(e) "Mental or behavioral health absence" means an absence taken by a student to promote their mental and behavioral health as stated by the family member or caregiver.

(2) Absence Documentation. School districts can not require confirmation of a healthcare provider appointment following a student's absence, unless required by the public health authority.

(3) Absence Recording. For purposes of accurate tracking of regular attendance, the school must record military-connected absences separately from other absences per ORS 339.065.

(4) Notice of Excused Absence Allowances. Schools must include information about the number and type of allowed excused absences as outlined in ORS 339.065 in the student policy handbook as developed for ORS 339.250 that is distributed to students and families at the beginning of each school year. The following must be included in the student policy handbook:

(a) Mental or behavioral health as excused absences.

(b) Absences related to being a dependent of a member of the Armed Forces of the United States.

(5) School Response to Absence. When notified by a family member, caregiver, or eligible student of an excused or unexcused absence, schools must:

(a) Allow work missed by the student to be made up within a reasonable period of time following the return to school, at a minimum of one day per day absent. Schools must work with students to determine what is reasonable based upon the student needs, academic situation, and amount of make up work to be completed. For a planned absence, schools should provide homework prior to the absence. Evaluation of student work received within the allowable time following return to school shall not incur a penalty or grade reduction related to being late.

(b) Offer equitable access to community, academic, and social/emotional resources. Resources must be culturally and linguistically responsive and support mental/behavioral health and physical well-being.

Substance Use

LAWS

336.222. District policy and plan; content.

In accordance with rules adopted by the State Board of Education in consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, each district school board shall adopt a comprehensive alcohol and drug abuse policy and implementation plan, including but not limited to:

- (1) Alcohol and drug abuse prevention curriculum and public information programs addressing students, parents, teachers, administrators and school board members;
- (2) The nature and extent of the district's expectation of intervention with students who appear to have drug or alcohol abuse problems;
- (3) The extent of the district's alcohol and other drug prevention and intervention programs; and
- (4) The district's strategy to gain access to federal funds available for drug abuse prevention programs.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

- (1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority.
- (2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:
 - (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
 - (A) Willful disobedience;
 - (B) Open defiance of the authority of a school employee;
 - (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances.

339.883. Possession of tobacco products or inhalant delivery systems by person under 21 prohibited at certain facilities.

- (1) As used in this section:
 - (a) "Facility" means a public or private school, college, community college, university, career school, technical education school, youth correction facility or juvenile detention facility.
 - (b) "Inhalant delivery system" has the meaning given that term in ORS 431A.175.
 - (c) "Tobacco products" has the meaning given that term in ORS 431A.175.
- (2) A facility shall not permit a person under 21 years of age to possess tobacco products or inhalant delivery systems while the person is present on facility grounds or in facility buildings or attending facility-sponsored activities.
- (3) A facility must have a written policy prohibiting the possession of tobacco products and inhalant delivery systems by persons under 21 years of age under the conditions described in subsection (2) of this section. The facility must have a written plan to implement the policy.
- (4) This section does not apply to a person for whom a tobacco or nicotine product or a substance to be used with an inhalant delivery system has been lawfully prescribed.

REGULATIONS

581-015-2425. Removal to an interim alternative educational setting by school district.

(1) Definitions:

(a) "Drug" means illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or otherwise legally possessed. It does not include alcohol or tobacco.

(b) "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school function.

(c) "Serious bodily injury" means bodily injury, which involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

(d) "Weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 1/2 inches in length.

(e) "Weapon violation" means carrying a weapon to school or to a school function or acquiring a weapon at school.

(2) School districts may remove a child with disabilities from their current educational placement to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is determined to be a manifestation of the child's disability for:

(a) A drug or weapon violation as defined in subsection (1); or

(b) If the child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Department or a school district.

(3) A removal for a drug or weapon violation, or for inflicting serious bodily injury, is considered a change in placement.

(4) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a removal under subsection (2) for a child with a disability who violates a code of conduct.

(5) For removals described in subsection (2) of this rule, school districts must:

(a) On the date on which the decision is made to remove the student under subsection (2), notify the parents of that decision and provide the parents with notice of procedural safeguards under OAR 581-015-2315;

(b) Provide the services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2435;

(c) Within 10 school days of any decision to remove a child under subsection (2), determine whether the child's behavior is a manifestation of the child's disability in accordance with OAR 581-015-2420; and

(d) Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(6) Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination, removal to the interim alternative educational setting, or any decision about placement related to a disciplinary removal under section (2) of this rule, the child remains in the interim alternative educational setting pending the decision of the administrative law judge under OAR 581-015-2445, or until the end of the removal under section (2), whichever occurs first, unless the parent and school district agree otherwise.

581-021-0050. Minimum standards for student conduct and discipline.

(1) School district boards shall prepare written rules of pupil conduct and discipline that shall include, but not necessarily be limited to, the following topics:

- (a) Assembly of students;
- (b) Dress and grooming;
- (c) Motorized and nonmotorized vehicles;
- (d) Search and seizure;
- (e) Attendance;
- (f) Freedom of expression;
- (g) Alcohol, drugs, and tobacco;
- (h) Student records;
- (i) Discipline, suspension, and expulsion.

(2) School district rules pertaining to these topics shall include statements on student rights, responsibilities, and conditions which create a need for these rules.

581-021-0055. Standards of conduct.

(1) Students shall comply with the written rules of the school district board, pursue the prescribed course of study, submit to the lawful authority of teachers and school officials, and conduct themselves in an orderly fashion.

(2) Students shall be liable to discipline, suspension, or expulsion for misconduct, including but not limited to:

- (a) Theft;
- (b) Disruption of the school;
- (c) Damage or destruction of school property;
- (d) Damage or destruction of private property on school premises or during a school activity;
- (e) Assault or threats of harm;
- (f) Unauthorized use of weapons or dangerous instruments;
- (g) Unlawful use of drugs, narcotics, or alcoholic beverages;
- (h) Persistent failure to comply with rules of the lawful directions of teachers or school officials.

581-021-0110. Tobacco free schools.

(1) For the purpose of this rule "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew, and snuff, in any form.

(2) No student, staff member, or school visitor is permitted to smoke, inhale, dip, or chew or sell tobacco at any time, including non-school hours

- (a) In any building, facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or
 - (b) On school grounds, athletic grounds, or parking lots.
- (3) No student is permitted to possess a tobacco product:
- (a) In any building, facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or
 - (b) On school grounds, athletic grounds, or parking lots.

(4) By January 1, 2006, school districts must establish policies and procedures to implement and enforce this rule for students, staff and visitors.

(5) For purposes of this rule, the term "school district" includes the Oregon School for the Deaf (OSD). The Oregon School for the Deaf must establish, in cooperation with the Oregon Department of Education, policies and procedures to implement and enforce this rule for students, staff and visitors by June 30, 2006.

Gang-related Activity

LAWS

336.109. Policy to reduce gang involvement, violent activities and drug abuse.

(1) After consultation with appropriate agencies and officials including the Department of Education, each school district is encouraged to develop and adopt a comprehensive policy to reduce gang involvement, violent activities and drug abuse by public school students in the school district, including but not limited to:

(a) A statement that evaluates:

(A) The nature and extent of gang involvement, violent activities and drug abuse by public school students of the school district; and

(B) The impact of gang involvement, violent activities and drug abuse on the ability of public schools in the school district to meet curriculum requirements and improve the attendance of public school students.

(b) A statement that emphasizes the need to reduce gang involvement, violent activities and drug abuse by public school students.

(c) Strategies to reduce gang involvement, violent activities and drug abuse by students of the school district considering the needs of the public school students.

(d) Methods to communicate conflict resolution skills to the teachers and public school students of the school district.

(e) Strategies to inform the teachers of the school district, the parents of public school students and the public about the policy the school district developed pursuant to this section.

(2) As used in this section, "gang" means a group that identifies itself through the use of a name, unique appearance or language, including hand signs, the claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity.

REGULATIONS

No relevant regulations found.

Bullying, Harassment, or Hazing

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:

- (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
 - (F) Use of threats, intimidation, harassment or coercion against a student or a school employee.

339.329. Statewide tip line to report information concerning threats or potential threats to student safety; rules.

(1) As used in this section:

- (a) "Cyberbullying" and "harassment, intimidation or bullying" have the meanings given those terms in ORS 339.351.
- (f) "Threat to student safety" includes, but is not limited to, a threat or instance of:
 - (A) Harassment, intimidation or bullying or cyberbullying;

(2) The Department of State Police shall establish a statewide tip line for students and other members of the public to use to confidentially report information concerning threats to student safety or potential threats to student safety.

339.341. Statewide School Safety and Prevention System; rules.

(1) As used in this section:

- (a) "Cyberbullying" has the meaning given that term in ORS 339.351.
- (b) "Harassment, intimidation or bullying" has the meaning given that term in ORS 339.351.

(2) The Department of Education shall establish and maintain the Statewide School Safety and Prevention System.

(3) The system required under this section shall consist of the following:

- (a) Assistance to school districts and education service districts in decreasing acts of harassment, intimidation or bullying and acts of cyberbullying through the implementation of effective prevention programs that:
 - (A) Incorporate evidenced-based, multitiered practices; and
 - (B) Support resiliency building and trauma-informed care practices.

(4) The system required under this section shall be supported by school safety and prevention specialists who:

- (a) Serve regions of this state;
- (b) Are cross-trained in safety assessments and in the prevention of youth suicide, of acts of bullying, intimidation or harassment and of acts of cyberbullying; and
- (c) Provide or facilitate training, the development of programs and plans, the coordination of local teams and the provision of ongoing consultation to regional partners, school districts and education service districts.

(5) The State Board of Education, in consultation with the Oregon Health Authority and other representatives of school districts, education service districts, school employees, human services, mental health professionals and law enforcement agencies, shall adopt rules related to the system required under this section.

339.351. Definitions for ORS 339.351 to 339.364.

As used in ORS 339.351 to 339.364:

- (1) "Cyberbullying" means the use of any electronic communication device to harass, intimidate or bully.
- (2) "Harassment, intimidation or bullying" means any act that:
 - (a) Substantially interferes with a student's educational benefits, opportunities or performance;

(b) Takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop;

(c) Has the effect of:

(A) Physically harming a student or damaging a student's property;

(B) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or

(C) Creating a hostile educational environment, including interfering with the psychological well-being of a student; and

(d) May be based on, but not be limited to, the protected class status of a person.

(3) "Protected class" means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income or disability.

339.353. Findings.

(1) The Legislative Assembly finds that:

(a) A safe and civil environment is necessary for students to learn and achieve high academic standards.

(b) Harassment, intimidation or bullying and cyberbullying, like other disruptive or violent behavior, are conduct that disrupts a student's ability to learn and a school's ability to educate its students in a safe environment.

(c) Students learn by example.

(2) The Legislative Assembly commends school administrators, faculty, staff and volunteers for demonstrating appropriate behavior, treating others with civility and respect, refusing to tolerate harassment, intimidation or bullying and refusing to tolerate cyberbullying.

339.356. District policy required.

(1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.

(2) School districts must include in the policy:

(a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.

(b) Definitions of "harassment," "intimidation" or "bullying" and of "cyberbullying" that are consistent with ORS 339.351.

(c) Definitions of "protected class" that are consistent with ORS 174.100 and 339.351.

(d) A statement of the scope of the policy, including a notice that the policy applies to behavior at school-sponsored activities, on school-provided transportation and at any official school bus stop.

(e) A description of the type of behavior expected from each student.

(f) A procedure that is uniform throughout the school district for reporting an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall:

(A) Identify by job title the school officials responsible for receiving such a report at a school.

(B) Require a school employee to report an act of harassment, intimidation or bullying or an act of cyberbullying to a person identified under subparagraph (A) of this paragraph.

(C) Require the school official identified under subparagraph (A) of this paragraph to notify the parents or guardians of a student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying and the parents or guardians of a student who may have conducted an act of harassment, intimidation or bullying or an act of cyberbullying. Notification must occur with involvement and consideration of the needs and concerns of the student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying. For the purposes of this subparagraph:

(i) Notification is not required under this subparagraph if the school official reasonably believes notification could endanger the student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying or if all of the following occur:

(I) The student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying requests that notification not be provided to the student's parents or guardians;

(II) The school official determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying; and

(III) The school official informs the student that federal law may require the student's parents or guardians to have access to the student's education record, including any requests made as provided by this sub-subparagraph.

(ii) If the school official does not make the determination described in sub-subparagraph (i)(II) of this subparagraph, the school official must inform the student of that determination prior to providing notification.

(iii) When notification is provided under this subparagraph, the notification must occur:

(I) Within a reasonable period of time; or

(II) Promptly, for acts that caused physical harm to the student.

(D) Identify any remedial action that may be imposed on a school employee for failure to make a report as required by subparagraph (B) of this paragraph.

(E) Allow a student or volunteer to report an act of harassment, intimidation or bullying or an act of cyberbullying voluntarily and anonymously to a person identified under subparagraph (A) of this paragraph. Nothing in this subparagraph may be construed to permit remedial action solely on the basis of an anonymous report.

(g) A procedure that is uniform throughout the school district for prompt investigation of a report of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for investigating such a report.

(h) A procedure by which a person may request a school district to review the actions of a school in responding to a report of an act of harassment, intimidation or bullying or an act of cyberbullying or investigating such a report.

(i) A statement of the manner in which a school and a school district will respond after an act of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and, if applicable, confirmed.

(j) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying or an act of cyberbullying.

(k) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation.

(l) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimidation or bullying or as a means of cyberbullying.

(m) A statement of how the policy is to be publicized within the district. At a minimum, a school district shall make the policy:

(A) Annually available to parents, guardians, school employees and students in a student or employee handbook; and

(B) Readily available to parents, guardians, school employees, volunteers, students, administrators and community representatives at each school office or at the school district office and, if available, on the website for a school or the school district.

(n) The identification by job title of school officials and school district officials responsible for ensuring that the policy is implemented.

(3) A school district that does not comply with the requirements of this section is considered nonstandard under ORS 327.103.

339.362. Retaliation against victims and witnesses prohibited; school employee immunity.

(1) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to or person with reliable information about an act of harassment, intimidation or bullying or an act of cyberbullying.

(2)(a) A school employee who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or bullying or an act of cyberbullying must report the act to the appropriate school official designated by the school district's policy.

(b) A student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or bullying or an act of cyberbullying is encouraged to report the act to the appropriate school official designated by the school district's policy.

(3) A school employee who promptly reports an act of harassment, intimidation or bullying or an act of cyberbullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

339.364. Victim may seek redress under other laws.

ORS 339.351 to 339.364 may not be interpreted to prevent a victim of harassment, intimidation or bullying or a victim of cyberbullying from seeking redress under any other available law, whether civil or criminal. ORS 339.351 to 339.364 do not create any statutory cause of action.

REGULATIONS

581-022-2310. Equal Education Opportunities.

(1) Each district school board shall adopt written policies, and the school district shall implement in each school, programs which assure equity, opportunity and access for all students as provided in OAR 581-021-0045 and 581-021-0046.

(2) Each district school board shall adopt a policy in accordance with ORS 339.356 prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

581-022-2312. Every Student Belongs.

(1) It is the policy of the State Board of Education that all students, employees, and visitors in public schools are entitled to learn, work, and participate in an environment that is safe and free from discrimination, harassment, and intimidation.

4) To comply with the prohibition on discrimination required by ORS 659.850, each education provider must adopt a policy to address bias incidents and displays of symbols of hate. The policy must:

(e) Establish procedures for addressing bias incidents and displays of symbols of hate. The procedures must:

(A) Apply broadly to include persons directly targeted by an act, as well as the community of students as a whole who are likely to be impacted by the act.

(B) Require the education provider to prioritize the safety and well-being of all persons impacted by the act.

(C) Require the education provider to recognize the experience of all persons impacted by the act, acknowledge the impact, commit to taking immediate action and prevent further harm against those persons impacted.

(D) Include educational components that:

(i) Address the history and impact of hate;

(ii) Advance the safety and healing of those impacted by bias and hate; and

(iii) Promote accountability and transformation for people who cause harm as well as transformation of the conditions that perpetuated the harm.

(E) Include communication protocols that provide all persons impacted by the act with information relating to the investigation and outcome of the investigation

(i) The information provided to the persons directly targeted by an act and the person who committed the act must include notice that an investigation has been initiated, notice when an investigation has been completed, findings of the investigation and the final determination based on those findings, actions taken to remedy a person's behavior and prevent reoccurrence, and, when applicable, the legal citation to any law prohibiting the disclosure of any of the information described in this subparagraph and an explanation of how that law applies to the current situation.

(ii) The information provided to the community of students as a whole who are likely to be impacted by the act must include notice that an investigation has been initiated and actions taken to prevent reoccurrence.

(F) Direct the education provider to consider whether the act implicates other civil rights laws and, if so, to respond accordingly. The nature of the conduct must determine:

(i) The process used to respond to the act;

(ii) The rights and protections available to the person impacted by the act; and

(iii) The right to appeal to the Oregon Department of Education or the United States Department of Education.

(G) Require the education provider to develop and implement instructional materials to make this policy and related practices, including reporting procedures, educational processes and possible consequences, known to all school employees and students of the education provider.

Dating and Relationship Violence

LAWS

339.366. Required policy on teen dating violence and domestic violence.

(1) As used in this section:

(a) "Dating" or "dating relationship" means an ongoing social relationship of a romantic or intimate

nature between two persons. "Dating" or "dating relationship" does not include a casual relationship or ordinary fraternization between two persons in a business or social context.

(b) "Domestic violence" means abuse as defined in ORS 107.705 between family and household members, as those terms are defined in ORS 107.705.

(c) "Teen dating violence" means:

(A) A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or

(B) Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

(2) Each school district board shall adopt a policy that:

(a) States that teen dating violence is unacceptable and is prohibited and that each student has the right to a safe learning environment;

(b) Incorporates age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12 and school employees as recommended by the school officials identified under paragraph (d) of this subsection;

(c) Establishes procedures for the manner in which employees of a school are to respond to incidents of teen dating violence that take place at the school, on school grounds, at school-sponsored activities or in vehicles used for school-provided transportation;

(d) Identifies by job title the school officials who are responsible for receiving reports related to teen dating violence, which shall be the same school officials identified in the policy adopted by a school district under ORS 339.356; and

(e) Notifies students and parents of the teen dating violence and domestic violence policies adopted by the board.

(3) The policy adopted under subsection (2) of this section must be included in and consistent with the policy adopted by a school district under ORS 339.356.

REGULATIONS

581-022-2050. Human sexuality education.

(1) The following definitions apply to Oregon Administrative Rule 581-022-2050:

(k) "Healthy relationship" means one in which both people feel a healthy sense of "self". Each person feels comfortable and safe when spending time with the other person. Two individuals try to meet each other's needs, and each can ask for help and support, within and outside of the relationship without fear of criticism or harm. [...]

(6) The comprehensive plan of instruction shall include information that:

(g) Discusses the characteristics of the emotional, physical and psychological aspects of a healthy relationship;

(n) Teaches that consent is an essential component of healthy sexual behavior. Course material shall promote positive attitudes and behaviors related to healthy relationships and sexuality, and encourage active student bystander behavior. [...]

(10) Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced, perpetrated, or witnessed sexual abuse and relationship violence.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

339.341. Statewide School Safety and Prevention System; rules.

- (1) As used in this section:
 - (a) "Cyberbullying" has the meaning given that term in ORS 339.351.
 - (b) "Harassment, intimidation or bullying" has the meaning given that term in ORS 339.351.
 - (c) "Suicidal behavior" includes:
 - (A) Self-directed, injurious behavior with an intent to die as a result of the behavior;
 - (B) Nonfatal, self-directed, potentially injurious behavior with an intent to die as a result of the behavior that may not result in injury; or
 - (C) Thinking about, considering or planning suicide.
 - (d) "Violence" means aggressive behavior with the intention to cause, or an outcome that poses a risk of causing, serious or lethal injury.
- (2) The Department of Education shall establish and maintain the Statewide School Safety and Prevention System.
- (3) The system required under this section shall consist of the following:
 - (a) Assistance to school districts and education service districts in decreasing acts of harassment, intimidation or bullying and acts of cyberbullying through the implementation of effective prevention programs that:
 - (A) Incorporate evidenced-based, multitiered practices; and
 - (B) Support resiliency building and trauma-informed care practices.
 - (b) Assistance to school districts and education service districts in decreasing youth suicidal behavior through the implementation of effective prevention programs and student wellness programs that focus on early identification and intervention by school safety and prevention specialists, as described in subsection (4) of this section, who:
 - (A) Provide training, outreach and technical assistance related to youth suicidal behavior prevention and wellness;
 - (B) Support coordination between schools and health agencies, including public and private behavioral health providers; and
 - (C) Support school districts and education service districts in the establishment of suicidal behavior prevention programs.
 - (c) Assistance to school districts and education service districts in implementing a multidisciplinary student safety assessment system to identify, assess and support students who present a potential risk for violence to others. Multidisciplinary school safety assessment teams shall be made available to assist each school district and education service district in assessing students who are engaged in violence or who are posing a threat of violence to others. The teams shall:
 - (A) Assess potential danger and identify circumstances and risk factors that may increase risk for potential violence;
 - (B) Develop management and intervention plans in collaboration with community partners; and

(C) Connect students and families to community resources and supports.

(d) Promotion and use of the statewide school safety tip line established by ORS 339.329. School safety and prevention specialists, as described in subsection (4) of this section, shall work collaboratively with the Oregon State Police to support school districts and education service districts in accessing and implementing the school safety tip line.

(4) The system required under this section shall be supported by school safety and prevention specialists who:

(a) Serve regions of this state;

(b) Are cross-trained in safety assessments and in the prevention of youth suicide, of acts of bullying, intimidation or harassment and of acts of cyberbullying; and

(c) Provide or facilitate training, the development of programs and plans, the coordination of local teams and the provision of ongoing consultation to regional partners, school districts and education service districts.

(5) The State Board of Education, in consultation with the Oregon Health Authority and other representatives of school districts, education service districts, school employees, human services, mental health professionals and law enforcement agencies, shall adopt rules related to the system required under this section.

REGULATIONS

No relevant regulations found.

Multi-tiered Frameworks and Systems of Support

LAWS

339.341. Statewide School Safety and Prevention System; rules.

(3) The system required under this section shall consist of the following:

(a) Assistance to school districts and education service districts in decreasing acts of harassment, intimidation or bullying and acts of cyberbullying through the implementation of effective prevention programs that:

(A) Incorporate evidenced-based, multitiered practices; and

(B) Support resiliency building and trauma-informed care practices.

REGULATIONS

581-029-0001. School Safety and Prevention System.

(1) The following definitions apply to the School Safety and Prevention system established in ORS 339.341:

(a) "Evidenced-based, Multitiered Practice" means a practice implemented by the school-wide system that:

(A) Provides services across three tiers: universal, selected, and targeted supports;

(B) Promotes the mental health and well-being of students and supports academic, behavioral and social-emotional success for students, within a multitiered framework with an emphasis on protected classes, historically, traditionally and currently underserved students and youth, by matching increasing levels of culturally and linguistically responsive support to empower students to meet their needs and goals;

- (C) Operates within a continuous improvement framework in which decisions are based on research, evidence, and data;
- (D) Counters racial and other types of profiling and discriminatory acts; and
- (E) Directly and intentionally addresses implicit and explicit bias.

Prevention

LAWS

339.331. Mission; duties; annual report; staff; funding.

- (1) There is created the Center for School Safety within the University of Oregon. The mission of the center shall be to:
- (a) Serve as the central point for data analysis;
 - (b) Conduct research;
 - (c) Disseminate information about successful school safety programs, research results and new programs; and
 - (d) Provide technical assistance for improving the safety of schools in collaboration with the Department of Education and others.
- (2) To fulfill its mission, the Center for School Safety shall:
- (a) Establish a clearinghouse for information and materials concerning school violence prevention and intervention services. As used in this paragraph, "intervention services" means any preventive, developmental, corrective or supportive service or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime or has been expelled from the school district. "Intervention services" may include, but is not limited to:
 - (A) Screening to identify students at risk for emotional disabilities or antisocial behavior;
 - (B) Direct instruction in academic, social, problem-solving and conflict resolution skills;
 - (C) Alternative education programs;
 - (D) Psychological services;
 - (E) Identification and assessment of abilities;
 - (F) Counseling services;
 - (G) Medical services;
 - (H) Day treatment;
 - (I) Family services; and
 - (J) Work and community service programs.
 - (b) Provide program development and implementation expertise and technical support to schools, law enforcement agencies and communities. The expertise and support may include coordinating training for administrators, teachers, students, parents and other community representatives.

REGULATIONS

581-029-0001. School Safety and Prevention System.

- (1) The following definitions apply to the School Safety and Prevention system established in ORS 339.341:

(a) "Evidenced-based, Multitiered Practice" means a practice implemented by the school-wide system that:

- (A) Provides services across three tiers: universal, selected, and targeted supports;
- (B) Promotes the mental health and well-being of students and supports academic, behavioral and social-emotional success for students, within a multitiered framework with an emphasis on protected classes, historically, traditionally and currently underserved students and youth, by matching increasing levels of culturally and linguistically responsive support to empower students to meet their needs and goals;
- (C) Operates within a continuous improvement framework in which decisions are based on research, evidence, and data;
- (D) Counters racial and other types of profiling and discriminatory acts; and
- (E) Directly and intentionally addresses implicit and explicit bias.

(b) "Evidence-based" means an activity, strategy, or intervention that demonstrate s :

(A) A statistically significant effect on improving student outcomes or other relevant outcomes based on:

- (i) Strong evidence from at least one well-designed and well-implemented experimental study;
- (ii) Moderate evidence from at least one well-designed and well-implemented quasi-experimental study using a large or multi-site sample; or
- (iii) Promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or

(B)(i) A rationale based on high quality research findings or positive evaluation that such activity, strategy, or intervention adheres to antidiscrimination laws, and is likely to improve student outcomes or other relevant outcomes based on a well-specified logic model informed by research or an evaluation that suggests how the intervention will improve relevant outcomes; and

(ii) Ongoing efforts to examine, evaluate and reflect upon the effectiveness of such activity, strategy, or intervention on the intended outcomes . .

(C) Improving outcomes for historically, traditionally, and currently underserved and marginalized students.

(c) "Safety Assessment" means a psychosocial, behavioral assessment that is conducted by a multidisciplinary team to:

- (A) Assess and reduce the possibility of self-injury or injury to others;
- (B) Provide support and intervention services; and
- (C) Assess existing strengths, supports, needs and available resources.

(d) "School Safety and Prevention Specialist" means the specialist as provided in ORS 339.341.

(e) "System" means the Statewide School Safety and Prevention System as provided in ORS 339.341.

(2) The System shall be supported by a School Safety and Prevention Specialist who:

(a) Participates in ongoing information sharing and assistance to school districts and education service districts and may provide assistance to private alternative schools and nonprofits that support youth-centered activities for public school students;

(b) Ensures supports within the school safety and prevention system are accessible to historically, traditionally and currently underserved and marginalized students and youth, using the Department's equity lens as provided in 581-013-0010, including supports for the implementation of:

- (A) Safety assessments;

- (B) Suicide prevention, intervention, and postvention; and
 - (C) Prevention of bullying, cyberbullying, sexual violence, harassment, or intimidation.
- (c) Develops and implements the System in a manner that is designed to result in fewer disproportionate and more equitable outcomes for historically, traditionally and currently underserved and marginalized students and youth.
- (d) Supports prevention, intervention and postvention programs that:
- (A) Are rooted in health education, social emotional learning, culturally and linguistically responsive and restorative practices, and trauma-informed principles and practices;
 - (B) Meaningfully engage and include voices and choices of youth, including but not limited to: youth of color; youth identifying as LGBTQIA 2S +; youth with disabilities; youth who are emergent bilinguals; youth bereaved by suicide; youth with mental illness or substance use disorders, youth navigating poverty, homelessness, and foster care;
 - (C) Are informed by family and community-based dialogue and discussions; and
 - (D) Align with or support:
 - (i) Suicide prevention, intervention and postvention plans as provided in ORS 339.343 (Adi's Act);
 - (ii) Safe Schools Act as provided in ORS 339.351 to 339.364; and
 - (iii) Oregon Health Education Standards as provided in ORS 329.045.
- (e) Completes equity training that is approved by the Department of Education;
- (f) Participates in regional, professional learning communities;
- (g) Participates in consultation with Tribal governments within the service area in the development and implementation of the School Safety and Prevention System;
- (h) Meaningfully engage the voice of disproportionately impacted youth in the development and implementation of the School Safety and Prevention System.
- (i) For the purpose of prevention, countering profiling, and enhancing the use of a racial equity lens and an equity lens, considers input from, shares information, and consults with the following:
- (A) Youth as provided in subsection (2)(d)(b);
 - (B) Primary care organizations;
 - (C) Families and other caregivers;
 - (D) Community-based organizations;
 - (E) School staff;
 - (F) School-based health centers;
 - (G) School-based mental health providers and behavioral specialists;
 - (H) Federally-recognized Tribal Governments in Oregon;
 - (I) Youth Development Council;
 - (J) Oregon Youth Authority;
 - (K) Local district attorneys and public defenders;
 - (L) Local law enforcement;
 - (M) Local mental health providers;
 - (N) State and county juvenile justice systems; and
 - (O) Other relevant partners.
- (j) Engage education stakeholders, community partners, and Tribal governments in the development and implementation of the School Safety and Prevention System.

Social-emotional Learning (SEL)

LAWS

No relevant laws found.

REGULATIONS

581-021-0200. Standard Education for Oregon Students.

A Standard Education for Oregon Students is comprised of:

(4) Character Education. Character Education is the process of helping students develop and practice the core ethical values that our diverse society shares and holds important. These values include, but are not limited to, respect, responsibility, caring, trustworthiness, justice and fairness, and civic virtue and citizenship.

581-022-2060. Comprehensive School Counseling.

(1)(a) District Comprehensive School Counseling. Each school district shall provide a coordinated comprehensive school counseling program to support the academic, career, social-emotional, and community involvement development of each and every student. The district shall:

(b) Adopt comprehensive school counseling program goals that assist students to:

- (A) Understand and utilize the educational opportunities and alternatives available to them;
- (B) Meet academic standards;
- (C) Establish tentative career and educational goals;
- (D) Create and maintain an education plan and education portfolio;
- (E) Demonstrate the ability to utilize personal qualities, education and training, in the world of work;
- (F) Develop decision-making skills;
- (G) Obtain information about self;
- (H) Accept increasing responsibility for their own actions, including the development of self-advocacy skills;
- (I) Develop skills in interpersonal relations, including the use of affective and receptive communication;
- (J) Utilize school and community resources;
- (K) Demonstrate and discuss personal contributions to the larger community; and
- (L) Know where and how to utilize personal skills in making contributions to the community. [...]

(3) Counseling Staff Assignments. Each school district shall maintain a licensed staff and promote effective counseling and advising practices consistent with the district's expected comprehensive school counseling program outcomes.

(a) A coordinated comprehensive school counseling program may be designed, delivered, or otherwise implemented by:

(C) A team consisting of a combination of staff who include one or more professionals licensed by the Teacher Standards and Practices Commission and the members of the team as a whole have professional training or experience in the following areas:

- (iii) Social-emotional learning.

Trauma-informed Practices

LAWS

339.341. Statewide School Safety and Prevention System; rules.

- (2) The Department of Education shall establish and maintain the Statewide School Safety and Prevention System.
- (3) The system required under this section shall consist of the following:
- (a) Assistance to school districts and education service districts in decreasing acts of harassment, intimidation or bullying and acts of cyberbullying through the implementation of effective prevention programs that:
 - (A) Incorporate evidenced-based, multitiered practices; and
 - (B) Support resiliency building and trauma-informed care practices.

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

339.343. Comprehensive district plans on student suicide prevention; rules.

- (1) This section shall be known and may be cited as Adi's Act.
- (2) In accordance with rules adopted by the State Board of Education in consultation with the Oregon Health Authority, each school district shall adopt a policy requiring a comprehensive district plan on student suicide prevention for students in kindergarten through grade 12.
- (3) A plan required under this section must include:
- (e) A description of, and materials for, any training to be provided to school employees as part of the plan, which must include:
 - (A) When and how to refer youth and their families to appropriate mental health services.

REGULATIONS

No relevant regulations found.

School-based Behavioral Health Programs

LAWS

329.095. School district and school self-evaluations; local district continuous improvement plans; technical assistance.

- (4) The local district continuous improvement plan shall include:
- (d) A needs assessment, which shall:
 - (B) Address the following priorities:
 - (ii) Meeting students' mental or behavioral health needs.

339.331. Mission; duties; annual report; staff; funding.

- (1) There is created the Center for School Safety within the University of Oregon. The mission of the center shall be to:
- (a) Serve as the central point for data analysis;
 - (b) Conduct research;
 - (c) Disseminate information about successful school safety programs, research results and new programs; and
 - (d) Provide technical assistance for improving the safety of schools in collaboration with the Department of Education and others.
- (2) To fulfill its mission, the Center for School Safety shall:
- (a) Establish a clearinghouse for information and materials concerning school violence prevention and intervention services. As used in this paragraph, "intervention services" means any preventive, developmental, corrective or supportive service or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime or has been expelled from the school district. "Intervention services" may include, but is not limited to:
 - (A) Screening to identify students at risk for emotional disabilities or antisocial behavior.

339.341. Statewide School Safety and Prevention System; rules.

- (2) The Department of Education shall establish and maintain the Statewide School Safety and Prevention System.
- (3) The system required under this section shall consist of the following:
- (b) Assistance to school districts and education service districts in decreasing youth suicidal behavior through the implementation of effective prevention programs and student wellness programs that focus on early identification and intervention by school safety and prevention specialists, as described in subsection (4) of this section, who:
 - (B) Support coordination between schools and health agencies, including public and private behavioral health providers [...]
- (5) The State Board of Education, in consultation with the Oregon Health Authority and other representatives of school districts, education service districts, school employees, human services, mental health professionals and law enforcement agencies, shall adopt rules related to the system required under this section.

REGULATIONS

581-029-0001. School Safety and Prevention System.

- (1) The following definitions apply to the School Safety and Prevention system established in ORS 339.341:
- (a) "Evidenced-based, Multitiered Practice" means a practice implemented by the school-wide system that:
 - (A) Provides services across three tiers: universal, selected, and targeted supports;
 - (B) Promotes the mental health and well-being of students and supports academic, behavioral and social-emotional success for students, within a multitiered framework with an emphasis on protected classes, historically, traditionally and currently underserved students and youth, by matching increasing levels of culturally and linguistically responsive support to empower students to meet their needs and goals.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:

(a) Staff reporting methods. [...]

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

(e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.

339.329. Statewide tip line to report information concerning threats or potential threats to student safety; rules.

(2) The Department of State Police shall establish a statewide tip line for students and other members of the public to use to confidentially report information concerning threats to student safety or potential threats to student safety.

(3) In consultation with state and local government behavioral health care providers, the department shall adopt rules necessary to establish and operate the tip line. The rules must include, but are not limited to:

(a) Provisions that protect the personally identifiable information of a person reporting information without compromising opportunities for follow-up contact from local law enforcement contacts or service providers to provide further information to or obtain further information from the person; and

(b) Written policies and procedures for:

(A) Logging reports received on the tip line;

(B) Verifying the authenticity and validity of a reported threat to student safety or potential threat to student safety;

(C) Relaying information concerning a threat to student safety or potential threat to student safety to local law enforcement contacts, service providers and appropriate education provider contacts;

(D) Connecting the tip line with other hotlines that are available for reports of violence or for crisis prevention; and

(E) Reporting for the purposes of tracking referrals to local law enforcement contacts and service providers resulting from information received on the tip line and tracking the outcome of any action taken in response to the referral.

(4) The contents of tips reported to the tip line may be disclosed only as allowed under ORS 192.345 (41), except that:

(a) Personally identifiable information may be disclosed only as provided in this section; and

(b) Personally identifiable information and other information reported through the tip line may be disclosed to the following persons for the purpose of follow-up contact to obtain or provide further information:

- (A) Tip line staff;
- (B) A school district, education service district, community college, private school that provides educational services to kindergarten through grade 12 students, career school or public university;
- (C) A service provider; or
- (D) Law enforcement.

(5) Any person authorized to receive tip line information under subsection (4) of this section must use the information only for the purpose of making follow-up contact to obtain or provide further information. Any further information obtained through follow-up contact may be disclosed only to the persons described in subsection (4) of this section.

(6) Persons authorized to receive tip line information under subsection (4) of this section may not disclose to the public the outcomes or actions taken as a result of tip line information unless the disclosure is required by a statute other than this section.

(7) Notwithstanding subsections (4) to (6) of this section, the department may release aggregated or summary information for reporting purposes and may provide information obtained through the tip line for the purpose of educating the public about the tip line, but may not disclose personally identifiable information under this subsection.

(8) The department may seek and accept gifts, grants and donations from any source for the purpose of carrying out its duties under this section.

REGULATIONS

257-095-0000. Purpose of rules.

Rules adopted herein prescribe the policies and procedures for operation and use of the statewide School Safety Tip Line Program (SSTL). The SSTL is established to facilitate the safety and health of students.

257-095-0010. Authority.

(1) SSTL was established by act of the 2016 Oregon Legislature, Oregon Laws 2016, Chapter 74, authorizing the Department of State Police to establish and operate a statewide tip line for students and other members of the public to use to confidentially report information concerning threats to student safety or potential threats to student safety.

(2) Section 1(3) of Oregon Laws 2016, Chapter 74 requires the Department of State Police to adopt rules necessary to establish and operate the tip line.

(3) The SSTL is a program organized within the Public Safety Services Bureau of the Department of State Police for the purpose of facilitating the safety and health of students.

257-095-0030. Definitions.

As used in these rules:

- (1) "Anonymous" means not identified by name.
- (2) "Confidential Information" means any personally identifiable information acquired by the SSTL, its staff, schools, school districts, Education Service Districts, service providers and local law enforcement, or information that is confidential under other state or federal law.
- (3) "Cyberbullying" and "harassment, intimidation or bullying" have the meanings given those terms in ORS 339.351.
- (4) "Local law enforcement contact" means a local law enforcement officer designated by the Department of State Police to be notified when the tip line receives a report of a threat to student safety or potential threat to student safety.

(5) "Personally Identifiable Information" means any information that would permit the identification of the person as a person reporting information to the SSTL. It includes, but is not limited to, name, phone number, physical address, email address, and information that identifies the machine or device from which the person made the report.

(6) "Service provider" means a person designated by the department to be notified when the tip line receives a report of a threat to student safety or potential threat to student safety. "Service provider" includes:

- (a) A provider of behavioral health care or mental health care;
- (b) A provider of school-based health care;
- (c) A certificated school counselor;
- (d) A clinical social worker licensed under ORS 675.530; or
- (e) A professional counselor or a marriage and family therapist licensed under ORS 675.615.

(7) "Student" means a student of:

- (a) A school district, as defined in ORS 332.002;
- (b) A community college, as defined in ORS 341.005;
- (c) A private school that provides educational services to kindergarten through grade 12 students;
- (d) A public charter school as defined in ORS 338.005;
- (e) A career school, as defined in ORS 345.010; or
- (f) A public university listed under ORS 352.002.

(8) "Threat to student safety" includes, but is not limited to, a threat or instance of:

- (a) Harassment, intimidation, or bullying or cyberbullying;
- (b) Suicide or self-harm; and
- (c) Violence against others.

(9) "Tip" means reports of information concerning threats to student safety or potential threats to student safety made by phone call, text message, email, web-form submission, or an application on a mobile device submission accepted by the SSTL.

(10) "Tip line" means a statewide resource designed to accept information concerning threats to student safety or potential threats to student safety through methods of transmission including:

- (a) Telephone calls;
- (b) Text messages;
- (c) Electronically through the Internet; and
- (d) Use of an application on a mobile device.

(11) "Tip Line Technician" means contracted staff who receive, route and ensure follow-up occurs for calls, e-mails, text messages, and online tips 24 hours a day, seven days a week.

257-095-0040. Responsibilities.

(1) Department of State Police is responsible for:

- (a) Establishing a statewide tip line for students and other members of the public to confidentially report information concerning threats or potential threats to student safety;
- (b) The ownership and management of data entered into the SSTL;
- (c) Following all records retention laws and other applicable laws and rules;

- (d) Analyzing and interpreting data entered into the SSTL to help schools improve their response to safety issues;
 - (e) Maintaining strict confidentiality of confidential information received through tips, documents and communications submitted to the SSTL;
 - (f) Coordinating outreach and programmatic support to schools, school districts, Education Service Districts, law enforcement agencies and service providers involved in or entering the program;
 - (g) Establishing a process for documenting the closure of tips and ensuring that the process is being used.
 - (h) Generating analysis, reports and studies. Analysis, reports and studies shall contain only aggregated information and shall not contain any information that personally identifies reporters or any students. Reports may contain aggregated information concerning how referrals were handled by local law enforcement and service providers and the outcomes of the referrals.
 - (i) Ensuring training materials explain that reporters may make an anonymous report or, if they identify themselves, how their identity is protected and how it may be shared as set out in OAR 291-095-0080(2).
 - (j) Where possible, incorporate information on behavioral health treatment services standards under OAR chapter 309, division 019 in training and presentation information.
- (2) The SSTL vendor contracted by the Department of State Police is responsible for:
- (a) Receiving SSTL tips via phone, email, application on a mobile device, website submission and text message as described in OAR 257-095-0060 and processing those tips;
 - (b) Ensuring adequate staffing of Tip Line Technicians to handle tip volume;
 - (c) Ensuring SSTL is functional and capable of operation 24 hours per day, seven days per week;
 - (d) Providing SSTL database access and the ability to extract data for analysis to designated persons authorized by the Department of State Police;
 - (e) Following up on reported tips and documenting the status of tips through the SSTL;
 - (f) Prompting schools to provide updated responsible staff and service provider, if applicable, contact information on a regular basis;
 - (g) Providing physical and online information security protection including administrative, technical, and physical safeguards to protect assets and data from loss, misuse, unauthorized access, disclosure, alteration, and destruction.
 - (h) Ensuring Tip Line Technicians have the requested qualifications, training, and experience in taking crisis calls.
 - (i) Maintaining a policy and procedure manual that contains specific protocols to be used depending on the nature of the tip as well as general procedures regarding interviews and taking information.
- (3) The schools, school districts or Education Service Districts are responsible for:
- (a) Determining, keeping current, and providing to the SSTL lists of responsible staff and service providers capable of handling tips relayed to the school, school district or Education Service District by the SSTL;
 - (b) Verifying the authenticity and validity of received reported threat to student safety or potential threat to student safety;
 - (c) Forwarding tip information to law enforcement or service providers as appropriate;
 - (d) Following up on assigned tips, providing information about updates and outcomes to the SSTL to the extent not prohibited by any applicable federal or state confidentiality provisions, and closing tips through the SSTL.

257-095-0050. Incident reportable through the School Safety Tip Line Program.

Threats to student safety or potential threats to student safety that are reportable to the SSTL include, but are not limited to harassment, intimidation or bullying, cyberbullying, suicide or self-harm and violence against others.

257-095-0060. Receipt of tips of reportable incidents.

Tips received via the SSTL are classified and processed for appropriate school, school district or Education Service District, local law enforcement or service provider response.

(1) When the SSTL receives an incoming communication, the Tip Line Technician shall:

(a) Ask the caller's identity (for tips provided via phone and text) or confirm the identity of the person making the tip (for tips provided via website or application on a mobile device). If the person making the tip does not wish to disclose their identity, the Tip Line Technician shall also accept an anonymous tip;

(b) The Tip Line Technician shall immediately assess the situation and ensure that students (and others) are safe from harm. The Tip Line Technician may not delay in contacting responders and/or school officials if there is an immediate threat to safety;

(c) Tip Line Technicians will attempt to capture and confirm the following data by asking questions identified on templates. Components of this factual accounting process may include but are not limited to:

(i) Who is/was involved in the incident? The name of any person reported to be involved in the incident must be documented. The reporter may choose to be anonymous;

(ii) The school where the individual making the tip (if applicable) and student(s) involved are enrolled and the age of the students involved;

(iii) Specific details about the location of incident (i.e. building name/number, floor, room number, etc.);

(iv) Whether the individual reporting an incident is reporting about him/herself or another party;

(v) If more than one person is involved in the incident, the relationship, if any, of those other individuals to the school or school system;

(vi) What happened, (who did/said what to whom, etc.);

(vii) When the incident occurred (time and date, prior events if any);

(viii) Whether a school staff member was notified, and how the school responded;

(ix) Whether treatment by a service provider was sought;

(x) Name of additional institutions/agencies involved.

(d) Tip Line Technicians will use their training and expertise to categorize by type of incident and prioritize a reported or potential threat to school safety by defined level of urgency for response.

(2) The SSTL software may capture Caller ID information, email addresses, and/or Internet Protocol (IP) addresses as part of the technical solution. This information will only be retrieved, used or disclosed in accordance with Oregon Law and these rules.

(3) The Tip Line Technician shall log all tip information into the SSTL system and transmit the tip electronically to the appropriate school, school district or Education Service District, service provider or local law enforcement contacts.

257-095-0070. Tip examination, classification and referrals.

- (1) Once a tip is received by the SSTL, Tip Line Technicians shall classify the reported tip based on a pre-identified set of values to designate the level of threats to student safety and level of response needed;
- (2) Tips received by Tip Line Technicians shall be referred to the appropriate school, school district or Education Service District, service provider or law enforcement;
 - (a) Suspicious activity or non-criminal, school-safety concerns (i.e. general tips about bullying, suspicious behavior/actions discovered on social media, fights between students, reports of individuals on school grounds who may not have an appropriate reason for being there) will be routed to schools, school districts, Education Service Districts, school administrators, service providers and also to local law enforcement if the severity of the incident warrants a law enforcement response;
 - (b) Tips concerning potential criminal activity shall be forwarded to the appropriate law enforcement agency for that jurisdiction in addition to the notifications in subsection (2)(a);
- (3) When an incoming tip received by the SSTL presents or appears to present a situation of immediate danger or threat of serious harm, the Tip Line Technician shall immediately contact the appropriate law enforcement contacts, appropriate education provider contacts, or service providers relaying all known information about the tip;
- (4) When Tip Line Technicians determine it appropriate based on the nature of the tip and their training and experience, they will forward the tip to other hotlines that are available for reports of violence or crisis prevention;
- (5) Tips or requests for social services that are not within the scope of the program will be referred to other hotlines or resources as available;
- (6) The Tip Line Technician shall document in the SSTL system the person[s] to whom the tip was referred.

257-095-0080. Information confidentiality and disclosure.

- (1) Any entity or person authorized to receive information and data from the SSTL is responsible for maintaining the confidentiality of confidential information and must use and disclose any information or data it receives only as provided in these rules or required by law;
- (2) The SSTL may not disclose the identity of any person who submits a tip except as provided in these rules or required by law. If a person making a report chooses to identify themselves, they do so with the expectation that their identity will be disclosed only to persons authorized to receive tip information under these rules and only for the purpose of following up on tips.
- (3) The SSTL may release aggregated or summary tip information for reporting purposes but shall not release any confidential information. In order to protect the reporting process, limited updates may be provided as long as they do not violate any laws or policies;
- (4) Photo, videos and other media images received of a sexual nature shall only be forwarded to law enforcement. Information regarding the tip can be sent to the school, but not the sexual images attached to the tip;
- (5) Information acquired by the SSTL will not be disclosed except as provided in these rules or as required by law.

257-095-0090. Anonymity.

Persons submitting a tip via the SSTL may choose to identify themselves or to remain anonymous. The identity of persons making reports who choose to identify themselves shall be protected and disclosed only as set out in OAR 257-095-0080(2).

581-021-0556. Procedures regarding restraint & seclusion.

- (1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.
- (2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:
 - (a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.
 - (b) Written documentation of the incident within 24 hours of the incident that provides:
 - (A) A description of the restraint or seclusion, including:
 - (i) The date of the restraint or seclusion;
 - (ii) The times when the restraint or seclusion began and ended; and
 - (iii) The location of the restraint or seclusion.
 - (B) A description of the student's activity that prompted the use of restraint or seclusion.
 - (C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.
 - (D) The names of the personnel of the public education program who administered the restraint or seclusion.
 - (E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this rule.
 - (c) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
- (3) If the personnel of the public education program who administered the restraint or seclusion had not received training from a program approved by the Department of Education, as required and in accordance with OAR 581-021-0563, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent or, if the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program, receive written notification of:
 - (a) The lack of training; and
 - (b) The reason the restraint or seclusion was administered by a person without training.
- (4) A debriefing meeting related to the use of restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel. Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.
- (5) If a student is involved in five incidents in a school year involving restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.
- (6) If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.

(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the following individuals within 24 hours of the incident:

- (a) The district superintendent and, if applicable, the union representative for the affected party; or
- (b) If the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program and, if applicable, the union representative for the affected party.

(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

(9) Pursuant to ORS 161.205 and 339.250, an individual who is a teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303 and OAR 581-021-0553.

(10) District school boards shall adopt written policies to implement restraint and seclusion procedures consistent with and as indicated in ORS 339.285 to 339.308 and OARs 581-021-0550 to 581-021-0570, and shall inform teachers, administrators, school employees and school volunteers of those policies.

Parental Notification

LAWS

336.645. Notification of availability of program; rules.

The State Board of Education shall adopt rules to implement the provisions of ORS 336.615 to 336.665 that shall include rules regarding school district notification to parents and students of the availability of alternative education programs, the law regarding alternative education programs and the procedures for requesting district school boards to establish alternative education programs.

339.071. Attendance notification policy.

(1) Each district school board shall adopt an attendance notification policy that satisfies the requirements of this section.

(2) An attendance notification policy must:

- (a) Be implemented by each school in the school district; and
- (b) Require that each school ensure that a parent or other person in parental relationship to a child is notified by the end of the school day on any day that the child has an unplanned absence.

(3)(a) Notification required by subsection (2)(b) of this section must be provided:

- (A) In person;
- (B) Directly by telephone; or
- (C) By any other method identified in writing by the parent or person in parental relationship to the child.

(b) If a parent or other person in parental relationship to a child cannot be contacted in person or directly by telephone and another method has not been identified by the parent or person, a message shall be left for the parent or person, if possible.

(4) Notice of the child's absence shall be provided to the attendance supervisor, who shall proceed as provided in ORS 339.055, if:

- (a) Notification is not provided in person or directly by telephone; and

(b) The parent or other person in parental relationship to the child has not confirmed within the timeline established by the attendance notification policy that the parent or person has received notification.

339.080. Nonattendance notice to parents, school officials and parole or probation officer.

(1) Except as provided in ORS 339.030, in case any parent or other person in parental relation fails to send any child under the control of the parent or other person to the public school, the attendance supervisor, within 24 hours after notification from the proper authority of the failure, shall give formal written notice in person or by registered or certified mail to the parent or other person.

(2) The notice required by subsection (1) of this section must inform the parent or other person in parental relation that:

(a) The child must appear at the public school on the next school day following the receipt of the notice.

(b) Regular attendance at school must be maintained during the remainder of the school year.

(c) The parent or other person in parental relation has the right to request:

(A) For a child who does not have an individualized education program, an evaluation to determine if the child should have an individualized education program; or

(B) For a child who has an individualized education program, a review of the individualized education program.

(3) At the same time notice is given to the parent or other person, the attendance supervisor shall notify the superintendent or principal, as suitable, of the fact of the notice. The superintendent or principal shall notify the attendance supervisor of any failure on the part of the parent or other person to comply with the notice.

(4) If the child who is the subject of a notice under subsection (1) of this section is a youth offender on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor shall notify the child's parole or probation officer of the child's absence.

339.090. Determination of compliance; notice to district superintendent.

The attendance supervisor shall determine whether the parent or other person given written notice of attendance requirements has complied with the notice. If the attendance supervisor determines that the parent or other person has failed to comply, the attendance supervisor, within three days after having knowledge of such failure or after being notified thereof, shall notify the district superintendent.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:

(c) The requirement that an administrator provide to the parent or legal guardian of the student notification that describes the student's behavior and the school's response.

339.291. Use of restraint or seclusion.

(4) In addition to the requirements described in subsection (3) of this section, if restraint or seclusion continues for more than 30 minutes:

(a) The student must be provided with adequate access to the bathroom and water every 30 minutes;

(b) Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student; and

(c) Every 15 minutes after the first 30 minutes of the restraint or seclusion, an administrator for the public education program must provide written authorization for the continuation of the restraint or seclusion, including providing documentation for the reason the restraint or seclusion must be continued.

339.294. Procedures following incident; notification; records.

(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.

(2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:

(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.

(b) Written documentation of the incident within 24 hours of the incident that provides:

(A) A description of the restraint or seclusion, including:

(i) The date of the restraint or seclusion;

(ii) The times when the restraint or seclusion began and ended; and

(iii) The location of the restraint or seclusion.

(B) A description of the student's activity that prompted the use of restraint or seclusion.

(C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.

(D) The names of the personnel of the public education program who administered the restraint or seclusion.

(E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this section.

(c) Timely notification of a debriefing meeting to be held as provided by subsection (4) of this section and the parent's or guardian's right to attend the meeting.

(3) If the personnel of the public education program who administered the restraint or seclusion had not received training as provided by ORS 339.300, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent receive written notification of:

(a) The lack of training; and

(b) The reason the restraint or seclusion was administered by a person without training.

(4)(a) A debriefing meeting related to the use of restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel.

(b) Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.

(5) If a student is involved in five incidents in a school year involving restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

(6) If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the Department of Human Services.

(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the district superintendent and, if applicable, to the union representative for the affected party.

(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

339.327. Notification required if person possesses threatening list or when threats of violence or harm made; immunity.

(1) A superintendent of a school district or a superintendent's designee who has reasonable cause to believe that a person, while in a school, is or has been in possession of a list that threatens harm to other persons, shall notify:

- (a) The parent or guardian of any student whose name appears on the list as a target of the harm; and
- (b) Any teacher or school employee whose name appears on the list as a target of the harm.

(2) A superintendent or superintendent's designee who has reasonable cause to believe that a student, while in a school, has made threats of violence or harm to another student shall notify the parent or guardian of the threatened student.

(3) The superintendent or superintendent's designee shall attempt to notify the persons specified in subsections (1) and (2) of this section by telephone or in person promptly but not later than 12 hours after discovering the list or learning of the threat. The superintendent or superintendent's designee shall follow up the notice with a written notification sent within 24 hours after discovering the list or learning of the threat.

(4) Any school district or person participating in good faith in making the notification required by this section is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the notification.

(5) As used in this section, "school" has the meaning given that term in ORS 339.315.

REGULATIONS

581-021-0065. Suspension.

(1) Students may be suspended when such suspension contains within its procedures the elements of prior notice (OAR 581-021-0075), specification of charges, and an opportunity for the student to present his or her view of the alleged misconduct. The suspending official shall notify the student's parent or guardian of the suspension, the conditions for reinstatement, and appeal procedures, where applicable. These procedures may be postponed in emergency situations relating to health and safety.

581-021-0070. Expulsion.

(1) Each district school board shall adopt written policies that limit the use of expulsion to the following circumstances:

- (a) For conduct that poses a threat to the health or safety of students of school employees;
- (b) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
- (c) When the expulsion is required by law

(d) In addition to any limitations imposed by paragraphs (a) to (c) of this subsection, board policies must limit the use of expulsion for students in fifth grade or lower to the following circumstances:

- (i) For nonaccidental conduct causing serious physical harm to a student or school employee;
- (ii) When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees;

(2) A school district board may expel, or delegate authority to a hearings officer to expel, a student provided the student is not expelled without a hearing unless the student's parent(s) or guardian, or the student, if 18 years of age, waives the right to a hearing. Waiver may take place by the parent or the student, if 18 years of age, notifying the school district in writing of waiver of the right to a hearing. Waiver may also take place by the parent, or the student, if age 18 or over, failing to appear after notice, at the place and time set for the hearing:

(a) If the school board acts to expel, the hearing may be conducted by a hearings officer designated by the board. In cases where the hearings officer is conducting the expulsion hearing for the board, the hearings officer shall provide to the board the findings as to the facts, the recommended decision and whether or not the student is guilty of the conduct alleged. This material shall be made available at the same time to the parent or guardian, and to the student, if age 18 or over;

(b) If the authority to expel a student is delegated to a hearings officer, the parent, or student, if age 18 or over, shall have the right upon appeal to a board review of the decision. If the decision is appealed to the board for review, the board shall be provided findings as to the facts and the decision of the hearings officer. This material shall be made available at the same time to the parent or guardian, and to the student, if age 18 or over. When appealed, the board will affirm, modify, or rescind the decision of the hearings officer.

(3) Student expulsion hearings shall be conducted pursuant to ORS 332.061.

(4) Expulsion hearing policies or rules shall contain provisions for the following:

(a) Notice to the student and to the parent or guardian shall be given by personal service or certified mail of the charge or charges and the specific facts that support the charge or charges. The notice shall include the statement of intent to consider the charges as reason for expulsion. Where notice is given by personal service, the person serving the notice shall file a return of service. Where notice is given by certified mail to a parent of a suspended student the notice shall be placed in the mail at least five days before the date of the hearing;

(b) Where the student or the student's parent cannot understand the spoken English language, an interpreter shall be provided by the district;

(c) The student may be represented by counsel or other persons;

(d) The student shall be permitted to introduce evidence by testimony, writings, or other exhibits;

(e) The student shall be permitted to be present and hear the evidence presented by the district;

(f) Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearings officer's control of the hearing;

(g) The hearings officer or the student may make a record of the hearing.

581-021-0071. District information for parents and students regarding the availability of alternative education programs.

(1) The following definitions apply to this rule:

(a) "Erratic attendance" means the student is frequently absent to the degree that he/she is not benefiting from the educational program;

(b) "Notification" means written notice, by personal service or certified mail, to the parent or guardian and student as required by ORS 339.250(6).

(2) District school boards shall adopt policies and procedures for notification to students and parents, or guardians of the availability of appropriate and accessible alternative programs. This notification shall be provided in the following situations:

(a) Upon the occurrence of a second or any subsequent occurrence of a severe disciplinary problem within a three-year period;

(b) When the district finds a student's attendance pattern to be so erratic that the student is not benefiting from the educational program;

(c) When the district is considering expulsion as a disciplinary alternative;

(d) When a student is expelled pursuant to subsection (2) of ORS 339.250; and

(e) When an emancipated minor, parent, or legal guardian applies for a student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030(2).

(3) The notification must include but is not limited to the following:

(a) Student action which is the basis for consideration of alternative education;

(b) Listing of alternative programs available to this student for which the district would provide financial support in accordance with ORS 339.620 except that when notice is given in accordance with subsection (2)(e) of this rule the district shall not be obligated to provide financial support;

(c) The program recommended for the student based on students learning styles and needs;

(d) Procedures for enrolling the student in the recommended program; and

(e) When the parent or guardians language is other than English, the district must provide notification in manner that the parent or guardian can understand.

(4) The district shall inform all parents or guardians of the law regarding alternative education and educational services available to students by such means as a statement in the student/parent handbook, notice in the newspaper, or an individual letter to a parent.

(5) District school boards shall adopt a procedure for parents or guardians to request establishment of alternative programs within the district.

(6) District school boards shall not approve the enrollment of a pupil in a private alternative program unless the private alternative program meets all requirements of OAR 581-021-0045.

581-021-0556. Procedures regarding restraint & seclusion.

(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.

(2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:

(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.

(b) Written documentation of the incident within 24 hours of the incident that provides:

(A) A description of the restraint or seclusion, including:

(i) The date of the restraint or seclusion;

(ii) The times when the restraint or seclusion began and ended; and

(iii) The location of the restraint or seclusion.

(B) A description of the student's activity that prompted the use of restraint or seclusion.

(C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.

(D) The names of the personnel of the public education program who administered the restraint or seclusion.

(E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this rule.

(c) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

329.841. Culturally specific statewide education plan; advisory group; report; grants; rules.

(1) For the purposes of this section, "plan student" means a student enrolled in early childhood through post-secondary education who:

(a) Is black or African-American or a member of a student group that is not covered under an existing culturally specific statewide education plan; and

(b) Has experienced disproportionate results in education due to historical practices, as identified by the State Board of Education by rule.

(2)(a) The Department of Education shall develop and implement a statewide education plan for plan students.

(b) The department shall form an advisory group consisting of community members, education stakeholders and representatives of the Early Learning Division, the Youth Development Division and the Higher Education Coordinating Commission to advise the department regarding:

(A) Development and implementation of the plan;

(B) Eligibility criteria, applicant selection process and expectations for recipients of grant awards described in this section; and

(C) Adoption of rules by the State Board of Education for the implementation of the plan.

(3) The plan developed under this section shall address:

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the department's statewide report card;

(b) The historical practices leading to disproportionate outcomes for plan students; and

(c) The educational needs of plan students from early childhood through post-secondary education by examining culturally appropriate best practices in this state and across the nation.

(4) The plan developed and implemented under this section must provide strategies to:

(a) Address the disproportionate rate of disciplinary incidents for plan students compared to all students in the education system;

(b) Increase parental engagement in the education of plan students;

(c) Increase the engagement of plan students in educational activities before and after regular school hours;

(d) Increase early childhood and kindergarten readiness for plan students;

- (e) Improve literacy and numeracy levels among plan students between kindergarten and grade three;
- (f) Support plan student transitions to middle school and through the middle and high school grades to maintain and improve academic performance;
- (g) Support culturally responsive pedagogy and practices from early childhood through post-secondary education;
- (h) Support the development of culturally responsive curricula from early childhood through post-secondary education;
- (i) Increase attendance of plan students in community colleges and professional certification programs; and
- (j) Increase attendance of plan students in four-year post-secondary institutions of education.

(5) The department shall submit a biennial report concerning the progress of the plan developed and implemented under this section at each even-numbered year regular session of the Legislative Assembly in the manner provided by ORS 192.245 to an interim committee of the Legislative Assembly related to education.

(6) The department, in consultation with the advisory group, shall award grants to early learning hubs, providers of early learning services, school districts, post-secondary institutions of education and community-based organizations to implement the strategies developed in the plan developed and implemented under this section.

(7) To qualify for and receive a grant described in this section, an applicant must identify and demonstrate that the applicant meets the eligibility criteria established by the State Board of Education by rule.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

(7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:

- (e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.

339.294. Procedures following incident; notification; records.

(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.

(2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:

- (a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.
- (b) Written documentation of the incident within 24 hours of the incident that provides:
 - (A) A description of the restraint or seclusion, including:
 - (i) The date of the restraint or seclusion;
 - (ii) The times when the restraint or seclusion began and ended; and
 - (iii) The location of the restraint or seclusion.
 - (B) A description of the student's activity that prompted the use of restraint or seclusion.
 - (C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.

(D) The names of the personnel of the public education program who administered the restraint or seclusion.

(E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this section.

(c) Timely notification of a debriefing meeting to be held as provided by subsection (4) of this section and the parent's or guardian's right to attend the meeting.

(3) If the personnel of the public education program who administered the restraint or seclusion had not received training as provided by ORS 339.300, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent receive written notification of:

(a) The lack of training; and

(b) The reason the restraint or seclusion was administered by a person without training.

(4)(a) A debriefing meeting related to the use of restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel.

(b) Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.

(5) If a student is involved in five incidents in a school year involving restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

(6) If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the Department of Human Services.

(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the district superintendent and, if applicable, to the union representative for the affected party.

(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

339.297. Annual report.

(1) Each entity that has jurisdiction over a public education program must prepare and submit to the Department of Education an annual report detailing the use of restraint and seclusion for the preceding school year, including, at a minimum:

(a) The total number of incidents involving restraint.

(b) The total number of incidents involving seclusion.

(c) The total number of seclusions in a locked room.

(d) The total number of rooms available for use by the public education program for seclusion of a student and a description of the dimensions and design of the rooms.

(e) The total number of students placed in restraint.

(f) The total number of students placed in seclusion.

(g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of restraint or seclusion.

(h) The number of students who were placed in restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of restraint and seclusion for each student.

(i) The number of incidents in which the personnel of the public education program administering restraint or seclusion were not trained as provided by ORS 339.300.

(j) The demographic characteristics of all students upon whom restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

(2)(a) Each entity that has jurisdiction over a public education program shall make its annual report about restraint and seclusion available to:

(A) The public at the entity's main office and the website of the entity;

(B) The board or governing body overseeing the entity;

(C) If the entity is an education service district, the component school districts of the education service district; and

(D) If the entity is a public charter school, the sponsor of the public charter school.

(b) Parents and guardians of students in a public education program shall be advised at least once each school year about how to access the report.

(3) A public education provider that does not comply with the requirement to submit a report to the Department of Education under subsection (1) of this section or to make the report available as described in subsection (2) of this section is considered nonstandard under ORS 327.103.

REGULATIONS

257-095-0100. Reporting and data analysis.

(1) Information gathered in operation of the SSTL may be utilized for the purpose of generating reports to track outcomes of actions taken in response to a tip, or used to analyze and adapt the operation of the SSTL Reports and analysis shall contain only aggregated information and shall not contain information that personally identifies reporters or any students;

(2) Full SSTL data access is limited to the Department of State Police;

(a) Schools, school districts and Education Service Districts shall only have access to their own school(s) or jurisdiction data for following up on tips, analysis, reporting and managing school policies;

(b) Schools are responsible for the appropriate dissemination of information to law enforcement, service providers, and other authorities in accordance with these rules and any other applicable laws and rules;

(c) The Department of State Police shall create annual and other reports as necessary. Reports shall contain only aggregated information and shall not contain any information that personally identifies reporters, any students, or specific schools.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

166.370. Possession of firearm or dangerous weapon in public building or court facility; exceptions; discharging firearm at school.

(1) Any person who intentionally possesses a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be guilty of a Class C felony.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who intentionally possesses:

(A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement officer.

(B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon to a law enforcement officer or to immediately remove it from the court facility. A person who fails to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

(C) A firearm in a local court facility is guilty, upon conviction, of a Class C felony if, prior to the offense, the presiding judge of the local court facility entered an order prohibiting firearms in the area in which the court conducts business and during the hours in which the court operates.

(b) The presiding judge of a judicial district or a municipal court may enter an order permitting the possession of specified weapons in a court facility.

(c) Within a shared court facility, the presiding judge of a municipal court or justice of the peace district may not enter an order concerning the possession of weapons in the court facility that is in conflict with an order entered by the presiding judge of the circuit court.

(3) Subsection (1) of this section does not apply to:

(a) A police officer or reserve officer, as those terms are defined in ORS 181A.355.

(b) A parole and probation officer, as defined in ORS 181A.355, while the parole and probation officer is acting within the scope of employment.

(c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections officer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer or corrections officer is acting within the scope of employment.

(d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection to assist in making an arrest or preserving the peace, while the summoned person is engaged in assisting the officer.

(e) An honorably retired law enforcement officer.

(f) An active or reserve member of the military forces of this state or the United States, when engaged in the performance of duty.

(g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

(h) A person who is authorized by the officer or agency that controls the public building to possess a firearm or dangerous weapon in that public building.

(i) An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a firearm in the course of the lawful taking of wildlife.

- (j) Possession of a firearm on school property if the firearm:
 - (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and
 - (B) Is unloaded and locked in a motor vehicle.
- (4)(a) The exceptions listed in subsection (3)(d) to (j) of this section constitute affirmative defenses to a charge of violating subsection (1) of this section.
 - (b) A person may not use the affirmative defense described in subsection (3)(e) of this section if the person has been convicted of an offense that would make the person ineligible to obtain a concealed handgun license under ORS 166.291 and 166.292.
- (5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges or attempts to discharge a firearm at a place that the person knows is a school shall upon conviction be guilty of a Class C felony.
 - (b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:
 - (A) As part of a program approved by a school in the school by an individual who is participating in the program;
 - (B) By a law enforcement officer acting in the officer's official capacity; or
 - (C) By an employee of the United States Department of Agriculture, acting within the scope of employment, in the course of the lawful taking of wildlife.
- (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS 166.279.
- (7) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes a violation of both subsections (1) and (5) of this section, the district attorney may charge the person with only one of the offenses.
- (8) As used in this section, "dangerous weapon" means a dangerous weapon as that term is defined in ORS 161.015.

336.187. When school authorized to disclose information about student; immunity of recipient.

- (1) A public school or school district shall disclose personally identifiable information or other information allowed to be disclosed by the federal Family Educational Rights and Privacy Act from an education record of a student to:
 - (a) Law enforcement, child protective services and health care professionals in connection with a health or safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals; and
 - (b) Courts and state and local juvenile justice agencies including, but not limited to, law enforcement agencies, juvenile departments and child protective service agencies. Disclosure under this paragraph must relate to the court's or juvenile justice agency's ability to serve the needs of a student prior to the student's adjudication under ORS chapter 419C. A person to whom personally identifiable information is disclosed under this paragraph shall certify, in writing, that the person will not disclose the information to a third party other than another court or juvenile justice agency or a person or organization providing direct services to the student on behalf of a juvenile justice agency.
- (2) As used in this section, a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to ORS 419B.005 to 419B.050.
- (3) A person who receives information under this section is not liable civilly or criminally for failing to disclose the information.

339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.

- (1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority.
- (2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:
 - (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
 - (A) Willful disobedience;
 - (B) Open defiance of the authority of a school employee;
 - (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
 - (D) Use or display of profane or obscene language;
 - (E) Willful damage or injury to school property;
 - (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
 - (G) Assault of a school employee or another student; or
 - (H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.
 - (b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.
 - (c) Must limit the use of expulsion to the following circumstances:
 - (A) For conduct that poses a threat to the health or safety of students or school employees;
 - (B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
 - (C) When the expulsion is required by law.
 - (d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:
 - (A) For nonaccidental conduct causing serious physical harm to a student or school employee;
 - (B) When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or
 - (C) When the suspension or expulsion is required by law.
 - (e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.
 - (f) Must be limited so that:
 - (A) The duration of an expulsion may not be more than one calendar year.
 - (B) The duration of a suspension may not be more than 10 school days.
 - (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.
- (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:

- (a) Defines and helps create a learning environment that students respect;
 - (b) Defines acceptable norms of behavior for students and the types of behavior that are subject to discipline;
 - (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;
 - (d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and
 - (e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.
- (4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:
- (a) Staff reporting methods.
 - (b) Provisions that allow an administrator to consider and implement any of the following options:
 - (A) Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.
 - (B) Placing the student in a setting where the behavior will receive immediate attention, including, but not limited to, the office of the school principal, vice principal, assistant principal, counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or the office of any licensed mental health professional.
 - (C) Requiring that a school obtain an evaluation of a student by a licensed mental health professional before allowing the student to return to the classroom setting. A student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. The policy must describe the circumstances under which the district school board may enter into contracts with licensed mental health professionals to perform any evaluations required under this subparagraph.
 - (c) The requirement that an administrator provide to the parent or legal guardian of the student notification that describes the student's behavior and the school's response.
 - (d) A provision for the allocation of any funds necessary for the school district to implement the policies described in this subsection.
- (5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:
- (a) Protect students and school employees from harm;
 - (b) Provide opportunities for students to learn from their mistakes;
 - (c) Foster positive learning communities;
 - (d) Keep students in school and attending class;
 - (e) Impose disciplinary sanctions without bias against students from a protected class, as defined in ORS 339.351;
 - (f) Implement a graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to each student's individual conduct;
 - (g) Employ a range of strategies for prevention, intervention and discipline that take into account a student's developmental capacities and that are proportionate to the degree and severity of the student's misbehavior;

- (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:
- (A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or
 - (B) When a parent or legal guardian applies for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);
 - (i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and
 - (j) Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.
- (6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.
- (7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:
- (a) Require expulsion from school for a period of not less than one year of any student who is determined to have:
 - (A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;
 - (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or
 - (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.
 - (b) Allow exceptions:
 - (A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and
 - (B) Identified by and adopted by the State Board of Education by rule.
 - (c) Allow a superintendent of a school district to:
 - (A) Modify the expulsion requirement for a student on a case-by-case basis.
 - (B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.
 - (d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.
 - (e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.

(8) Each district school board shall adopt and disseminate written policies for the use of physical force upon a student. The policies must allow an individual who is a teacher, administrator, school employee or school volunteer to use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.

(9)(a) The authority to discipline a student does not authorize the infliction of corporal punishment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public charter school or the Department of Education that permits or authorizes the infliction of corporal punishment upon a student is void and unenforceable.

(b) As used in this subsection:

(A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a student.

(B) "Corporal punishment" does not include:

- (i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or
- (ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

(10) For purposes of this section, calculations of the number of school days that a student is removed from a classroom setting shall be as follows:

(a) As a half day if the student is out of school for half, or less than half, of the scheduled school day; and

(b) As a full day if the student is out of school for more than half of the scheduled school day.

339.315. Report required if person has unlawful firearm or destructive device; immunity; law enforcement investigation required.

(1)(a) Any employee of a public school district, an education service district or a private school who has reasonable cause to believe that a person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382 shall report the person's conduct immediately to a school administrator, school director, the administrator's or director's designee or law enforcement agency within the county. A school administrator, school director or the administrator's or director's designee, who has reasonable cause to believe that the person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382, shall promptly report the person's conduct to a law enforcement agency within the county. If the school administrator, school director or employee has reasonable cause to believe that a person has been in possession of a firearm or destructive device as described in this paragraph more than 120 days previously, the school administrator, school director or employee may report the person's conduct to a law enforcement agency within the county.

(b) Anyone participating in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the report. Any participant has the same immunity with respect to participating in any judicial proceeding resulting from the report.

(c) Except as required by ORS 135.805 to 135.873 and 419C.270 (5) or (6), the identity of a person participating in good faith in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is confidential and may not be disclosed by law enforcement agencies, the district attorney or any public or private school administrator, school director or employee.

(2) When a law enforcement agency receives a report under subsection (1) of this section, the law enforcement agency shall promptly conduct an investigation to determine whether there is probable

cause to believe that the person, while in a school, did possess a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382.

(3) As used in this section, "school" means:

- (a) A public or private institution of learning providing instruction at levels kindergarten through grade 12, or their equivalents, or any part thereof;
- (b) The grounds adjacent to the institution; and
- (c) Any site or premises that at the time is being used exclusively for a student program or activity that is sponsored or sanctioned by the institution, a public school district, an education service district or a voluntary organization and that is posted as such.

(4) For purposes of subsection (3)(c) of this section, a site or premises is posted as such when the sponsoring or sanctioning entity has posted a notice identifying the sponsoring or sanctioning entity and stating, in substance, that the program or activity is a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.

339.317. Notice to school district of person charged with crime; immunity.

(1)(a) No later than five days after a person under 18 years of age is waived under ORS 419C.349, 419C.352 or 419C.364, the district attorney or city attorney, if the person is waived to municipal court or, in the case of a juvenile department that has agreed to be responsible for providing the notice required under this section, the juvenile department shall give notice of the charge to the school administrator of the school attended by the person or to the school administrator of the school district in which the person resides. For purposes of this section, "school administrator" has the meaning given that term in ORS 419A.305.

(b) The district attorney, city attorney or juvenile department shall include in the notice the following:

- (A) The crime with which the person is charged;
- (B) The name and date of birth of the person;
- (C) The names and addresses of the person's parents or guardians;
- (D) The name and contact information of the attorney for the person, if known;
- (E) The name and contact information of the individual to contact for further information about the notice;
- (F) Any conditions of release or terms of probation; and
- (G) Any other conditions required by the court.

(2) A person who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

339.319. Notice to school district of person convicted of crime; immunity.

(1)(a) When a person under 18 years of age is convicted of a crime following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370 (1)(b), the agency supervising the person or, in the case of a juvenile department that has agreed to be responsible for providing the notice required under this section, the juvenile department shall give notice of the conviction within five days following sentencing to the school administrator of the school attended by the person or to the school administrator of the school district in which the person resides. For purposes of this section, "school administrator" has the meaning given that term in ORS 419A.305.

(b) The agency supervising the person or the juvenile department shall include in the notice:

- (A) The name and date of birth of the person;
- (B) The names and addresses of the person's parents or guardians;

- (C) The crime of conviction;
- (D) The sentence imposed;
- (E) The name and contact information of the attorney for the person, if known;
- (F) The name and contact information of the individual to contact for further information about the notice;
- (G) Any conditions of release or terms of probation including, but not limited to, whether school attendance is a condition of the release; and
- (H) Any other conditions required by the court.

(2) An agency supervising a person or anyone employed by or acting on behalf of an agency supervising a person who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

339.321. Notice to school district and law enforcement agencies of release or discharge of person; immunity.

(1) No later than 15 days before the release or discharge of a person committed to the legal custody of the Department of Corrections or the supervisory authority of a county following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370, the department or supervisory authority or, in the case of a juvenile department that has agreed to be responsible for providing the notice required under this section, the juvenile department shall notify the following of the release or discharge if the person is under 21 years of age at the time of the release:

- (a) Law enforcement agencies in the community in which the person is going to reside; and
- (b) The school administrator of the school the person will attend or the school administrator of the school district in which the person will reside.

(2) The department, supervisory authority or the juvenile department shall include in the notification:

- (a) The name and date of birth of the person;
- (b) The date of release or discharge;
- (c) The person's address;
- (d) The names and addresses of the person's parents or guardians;
- (e) The name and contact information of the attorney for the person, if known;
- (f) The name and contact information of the individual to contact for further information about the notice;
- (g) Any conditions of release or terms of probation including, but not limited to, the type of supervision under which the person is released and whether school attendance is a condition of release; and
- (h) Any other conditions required by the court.

(3) The department, supervisory authority or anyone employed by or acting on behalf of the department or supervisory authority who sends records under this section is not civilly or criminally liable for failing to disclose the information under this section.

(4) As used in this section, "school administrator" has the meaning given that term in ORS 419A.305.

339.323. Disclosure of information regarding person charged with or convicted of crime or regarding release or discharge of person; immunity.

(1) When a school administrator as defined in ORS 419A.305 receives notice under ORS 339.317, 339.319, 339.321, 419A.015, 420.048 or 420A.122, the school administrator may disclose the information only to school personnel, as defined in ORS 339.326, who the school administrator determines need the information in order to safeguard the safety and security of the school, students and staff. A person to

whom personally identifiable information is disclosed under this subsection may not disclose the information to another person except to carry out the provisions of this subsection.

(2) A school administrator or anyone employed by or acting on behalf of a school administrator who receives notice under ORS 339.317, 339.319, 339.321 or 420A.122 is not civilly or criminally liable for failing to disclose the information.

339.326. Actions after receipt of notice under ORS 419A.305; transfers from outside state; enrollment in other school or program; confidentiality of information; use of information; immunity.

(1) As used in this section:

- (a) "School administrator" has the meaning given that term in ORS 419A.305.
- (b) "School personnel" means a person who is employed by or under contract with a school district, public charter school or private school to provide services to students, including but not limited to:
 - (A) Teachers and school staff.
 - (B) Transportation providers.
 - (C) Food service workers.
 - (D) Daytime building maintenance workers.
 - (E) Health center workers or nurses.
 - (F) Library personnel.
 - (G) Translators.

(2) Within 48 hours after receiving notice under ORS 419A.305, a school administrator shall notify school personnel who the school administrator determines need the information in order to:

- (a) Safeguard the safety and security of the school, students and school personnel;
- (b) Arrange appropriate counseling or education for the person who is the subject of the notice; or
- (c) If the notice states that the court has set aside or dismissed the petition, or that the court has determined it does not have jurisdiction over the person who is the subject of the notice, inform school personnel previously notified of the petition under this subsection that the court has set aside or dismissed the petition or determined that the person who is the subject of the notice is not within the jurisdiction of the juvenile court and direct the appropriate school personnel to remove and destroy the notice and any documents or information related to the notice from the person's educational records.

(3) When a student transfers to a school in this state from a school outside the state, the school administrator of the school in this state shall, when requesting the transfer student's education records as provided under ORS 326.575, request any information that the transfer student's former school may have relating to the transfer student's history of engaging in activity that is likely to place at risk the safety of school personnel or students or that requires arrangement of appropriate counseling or education for the transfer student. Upon receipt of information that the transfer student has a history of engaging in activity that is likely to place at risk the safety of school personnel or students, the school administrator shall notify school personnel who the school administrator determines need the information in order to:

- (a) Safeguard the safety and security of the school, students and school personnel; or
- (b) Arrange appropriate counseling or education for the transfer student.

(4) When a school administrator receives notice under ORS 419A.305 and determines that the youth is not enrolled in the school administrator's school but is enrolled in a school or program referred to in this subsection, the school administrator shall, within 48 hours of receiving notice, send a copy of the notice to:

- (a) The director of the Oregon School for the Deaf if the youth attends the Oregon School for the Deaf.
 - (b) The Superintendent of Public Instruction if the youth is in an educational program under the Youth Corrections Education Program.
 - (c) The principal of the public charter school if the youth attends a public charter school.
 - (d) The principal of the private school if the youth attends a private school.
 - (e) The appropriate school administrator if the youth attends a school in another school district.
- (5) A school district, public charter school or private school may adopt policies and procedures for providing notification to school personnel under this section.
- (6)(a) Except as provided in this section, information contained in a notice required under ORS 419A.305 or obtained from an out-of-state school under subsection (3) of this section is confidential.
- (b) Persons receiving information contained in a notice required under ORS 419A.305 or obtained from an out-of-state school under subsection (3) of this section may not disclose any information received to anyone other than:
- (A) The person who is the subject of the notice or the transfer student;
 - (B) The parent or guardian of the person who is the subject of the notice or the transfer student;
 - (C) A school administrator;
 - (D) School personnel notified under subsection (2) or (3) of this section;
 - (E) Law enforcement personnel;
 - (F) The probation officer or juvenile counselor of the person who is the subject of the notice or the transfer student; and
 - (G) The attorney for the person who is the subject of the notice or the transfer student.
- (c) School personnel are not subject to discipline for disclosing the existence of a notice under ORS 419A.305 or for disclosing the contents of the notice, unless the disclosure was made in bad faith, with malicious intent or in a manner exhibiting a willful, wanton disregard of the rights, safety or property of another.
- (7)(a) Information obtained under this section or under ORS 419A.305 may not be used for admissions or disciplinary decisions concerning the person who is the subject of a notice or the transfer student unless the violation occurred in the school or classroom or at a school activity or event, whether or not the violation took place on school property.
- (b) Notwithstanding paragraph (a) of this subsection, information obtained under this section or under ORS 419A.305 may be used for making an educational placement for the person who is the subject of a notice or the transfer student, if necessary for arranging appropriate counseling or education for the person or transfer student. Placement procedures and decisions under this section regarding a person or transfer student who is receiving special education and related services must comply with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.
- (c) The receipt of a notice under ORS 419A.305 does not deprive the school of the authority to institute or continue a disciplinary action against the person who is the subject of the notice or the transfer student based on the same conduct alleged in the notice if the disciplinary proceedings are based on information obtained by the school or school district that is not derived from the notice.
- (8) A person is not civilly or criminally liable for giving or failing to give the notice required under this section. Nothing in this section creates a new cause of action or enlarges an existing cause of action for compensation or damages.

339.327. Notification required if person possesses threatening list or when threats of violence or harm made; immunity.

(1) A superintendent of a school district or a superintendent's designee who has reasonable cause to believe that a person, while in a school, is or has been in possession of a list that threatens harm to other persons, shall notify:

- (a) The parent or guardian of any student whose name appears on the list as a target of the harm; and
- (b) Any teacher or school employee whose name appears on the list as a target of the harm.

(2) A superintendent or superintendent's designee who has reasonable cause to believe that a student, while in a school, has made threats of violence or harm to another student shall notify the parent or guardian of the threatened student.

(3) The superintendent or superintendent's designee shall attempt to notify the persons specified in subsections (1) and (2) of this section by telephone or in person promptly but not later than 12 hours after discovering the list or learning of the threat. The superintendent or superintendent's designee shall follow up the notice with a written notification sent within 24 hours after discovering the list or learning of the threat.

(4) Any school district or person participating in good faith in making the notification required by this section is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the notification.

(5) As used in this section, "school" has the meaning given that term in ORS 339.315.

REGULATIONS

257-095-0040. Responsibilities.

(1) Department of State Police is responsible for:

- (a) Establishing a statewide tip line for students and other members of the public to confidentially report information concerning threats or potential threats to student safety;
- (b) The ownership and management of data entered into the SSTL;
- (c) Following all records retention laws and other applicable laws and rules;
- (d) Analyzing and interpreting data entered into the SSTL to help schools improve their response to safety issues;
- (e) Maintaining strict confidentiality of confidential information received through tips, documents and communications submitted to the SSTL;
- (f) Coordinating outreach and programmatic support to schools, school districts, Education Service Districts, law enforcement agencies and service providers involved in or entering the program;
- (g) Establishing a process for documenting the closure of tips and ensuring that the process is being used.
- (h) Generating analysis, reports and studies. Analysis, reports and studies shall contain only aggregated information and shall not contain any information that personally identifies reporters or any students. Reports may contain aggregated information concerning how referrals were handled by local law enforcement and service providers and the outcomes of the referrals.
- (i) Ensuring training materials explain that reporters may make an anonymous report or, if they identify themselves, how their identity is protected and how it may be shared as set out in OAR 291-095-0080(2).
- (j) Where possible, incorporate information on behavioral health treatment services standards under OAR chapter 309, division 019 in training and presentation information.

- (2) The SSTL vendor contracted by the Department of State Police is responsible for:
- (a) Receiving SSTL tips via phone, email, application on a mobile device, website submission and text message as described in OAR 257-095-0060 and processing those tips;
 - (b) Ensuring adequate staffing of Tip Line Technicians to handle tip volume;
 - (c) Ensuring SSTL is functional and capable of operation 24 hours per day, seven days per week;
 - (d) Providing SSTL database access and the ability to extract data for analysis to designated persons authorized by the Department of State Police;
 - (e) Following up on reported tips and documenting the status of tips through the SSTL;
 - (f) Prompting schools to provide updated responsible staff and service provider, if applicable, contact information on a regular basis;
 - (g) Providing physical and online information security protection including administrative, technical, and physical safeguards to protect assets and data from loss, misuse, unauthorized access, disclosure, alteration, and destruction.
 - (h) Ensuring Tip Line Technicians have the requested qualifications, training, and experience in taking crisis calls.
 - (i) Maintaining a policy and procedure manual that contains specific protocols to be used depending on the nature of the tip as well as general procedures regarding interviews and taking information.
- (3) The schools, school districts or Education Service Districts are responsible for:
- (a) Determining, keeping current, and providing to the SSTL lists of responsible staff and service providers capable of handling tips relayed to the school, school district or Education Service District by the SSTL;
 - (b) Verifying the authenticity and validity of received reported threat to student safety or potential threat to student safety;
 - (c) Forwarding tip information to law enforcement or service providers as appropriate;
 - (d) Following up on assigned tips, providing information about updates and outcomes to the SSTL to the extent not prohibited by any applicable federal or state confidentiality provisions, and closing tips through the SSTL.

581-021-0225. Records of law enforcement units.

- (1) "Law enforcement unit" means any individual, office, department, division, or other component of an educational agency or institution, such as a unit of commissioned police officers or noncommissioned security guards, that is officially authorized or designated by that agency or institution to:
- (a) Enforce any local, state, or federal law, or refer to appropriate authorities a matter for enforcement of any local, state, or federal law against any individual or organization other than the agency or institution itself; or
 - (b) Maintain the physical security and safety of the agency or institution.
- (2) A component of an educational agency or institution does not lose its status as a law enforcement unit if it also performs other, nonlaw enforcement functions for the agency or institution, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against the student.
- (3) Records of a law enforcement unit means those records, files, documents, and other materials that are:
- (a) Created by a law enforcement unit;
 - (b) Created for a law enforcement purpose; and

- (c) Maintained by the law enforcement unit.
- (4) Records of a law enforcement unit does not mean:
 - (a) Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the educational agency or institution other than the law enforcement unit; or
 - (b) Records created and maintained by a law enforcement unit exclusively for a nonlaw enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution.
- (5) Nothing in this rule prohibits an educational agency or institution from contacting its law enforcement unit, orally or in writing, for the purpose of asking that unit to investigate a possible violation of, or to enforce, any local, state, or federal law.
- (6) Education records, and personally identifiable information contained in education records, do not lose their status as education records and remain subject to the Act, including the disclosure provisions of OAR 581-021-0330, while in the possession of the law enforcement unit.
- (7) This rule neither requires nor prohibits the disclosure by an educational agency or institution of its law enforcement unit records.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

332.531. Law enforcement agency; personnel as peace officers.

- (1) The district school board of any school district may establish a law enforcement agency and employ such personnel as may be necessary to insure the safety of school district personnel and students upon and in the vicinity of school district premises and the security of the real and personal property owned, controlled or used by or on behalf of the school district.
- (2) Persons employed and compensated as members of a law enforcement agency of a school district, when appointed and duly sworn, are peace officers as defined in ORS 161.015 (4), but only for the purpose of carrying out the duties of their employment. They are not police officers within the meaning of ORS 243.736.
- (3) The district school board may:
 - (a) Provide for uniforms, badges, and other identification of members of such law enforcement agency;
 - (b) Withdraw or withhold from any person employed as a member of such law enforcement agency any part or all of the powers otherwise conferred by law upon peace officers; and
 - (c) Define the duties of persons employed as members of such law enforcement agency and assign additional duties to such persons as it may deem appropriate.

(4) Between meetings of the district school board, the district superintendent or the deputy of the superintendent shall have power to suspend any person employed as a member of such law enforcement agency pending review of such action as soon as practicable by the district school board.

339.312. Safe school alliance.

School districts are encouraged to form a safe school alliance composed of schools, law enforcement agencies, juvenile justice agencies and district attorneys. The purpose of a safe school alliance is to provide the safest school environment possible.

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols

LAWS

339.341. Statewide School Safety and Prevention System; rules.

(3) The system required under this section shall consist of the following:

(c) Assistance to school districts and education service districts in implementing a multidisciplinary student safety assessment system to identify, assess and support students who present a potential risk for violence to others. Multidisciplinary school safety assessment teams shall be made available to assist each school district and education service district in assessing students who are engaged in violence or who are posing a threat of violence to others. The teams shall:

- (A) Assess potential danger and identify circumstances and risk factors that may increase risk for potential violence;
- (B) Develop management and intervention plans in collaboration with community partners; and
- (C) Connect students and families to community resources and supports.

REGULATIONS

257-095-0040. Responsibilities.

(1) Department of State Police is responsible for:

- (a) Establishing a statewide tip line for students and other members of the public to confidentially report information concerning threats or potential threats to student safety;
- (b) The ownership and management of data entered into the SSTL;
- (c) Following all records retention laws and other applicable laws and rules;
- (d) Analyzing and interpreting data entered into the SSTL to help schools improve their response to safety issues;
- (e) Maintaining strict confidentiality of confidential information received through tips, documents and communications submitted to the SSTL;
- (f) Coordinating outreach and programmatic support to schools, school districts, Education Service Districts, law enforcement agencies and service providers involved in or entering the program;
- (g) Establishing a process for documenting the closure of tips and ensuring that the process is being used.
- (h) Generating analysis, reports and studies. Analysis, reports and studies shall contain only aggregated information and shall not contain any information that personally identifies reporters or any

students. Reports may contain aggregated information concerning how referrals were handled by local law enforcement and service providers and the outcomes of the referrals.

(i) Ensuring training materials explain that reporters may make an anonymous report or, if they identify themselves, how their identity is protected and how it may be shared as set out in OAR 291-095-0080(2).

(j) Where possible, incorporate information on behavioral health treatment services standards under OAR chapter 309, division 019 in training and presentation information.

(2) The SSTL vendor contracted by the Department of State Police is responsible for:

(a) Receiving SSTL tips via phone, email, application on a mobile device, website submission and text message as described in OAR 257-095-0060 and processing those tips;

(b) Ensuring adequate staffing of Tip Line Technicians to handle tip volume;

(c) Ensuring SSTL is functional and capable of operation 24 hours per day, seven days per week;

(d) Providing SSTL database access and the ability to extract data for analysis to designated persons authorized by the Department of State Police;

(e) Following up on reported tips and documenting the status of tips through the SSTL;

(f) Prompting schools to provide updated responsible staff and service provider, if applicable, contact information on a regular basis;

(g) Providing physical and online information security protection including administrative, technical, and physical safeguards to protect assets and data from loss, misuse, unauthorized access, disclosure, alteration, and destruction.

(h) Ensuring Tip Line Technicians have the requested qualifications, training, and experience in taking crisis calls.

(i) Maintaining a policy and procedure manual that contains specific protocols to be used depending on the nature of the tip as well as general procedures regarding interviews and taking information.

(3) The schools, school districts or Education Service Districts are responsible for:

(a) Determining, keeping current, and providing to the SSTL lists of responsible staff and service providers capable of handling tips relayed to the school, school district or Education Service District by the SSTL;

(b) Verifying the authenticity and validity of received reported threat to student safety or potential threat to student safety;

(c) Forwarding tip information to law enforcement or service providers as appropriate;

(d) Following up on assigned tips, providing information about updates and outcomes to the SSTL to the extent not prohibited by any applicable federal or state confidentiality provisions, and closing tips through the SSTL.

257-095-0050. Incident reportable through the School Safety Tip Line Program.

Threats to student safety or potential threats to student safety that are reportable to the SSTL include, but are not limited to harassment, intimidation or bullying, cyberbullying, suicide or self-harm and violence against others

257-095-0060. Receipt of tips of reportable incidents.

Tips received via the SSTL are classified and processed for appropriate school, school district or Education Service District, local law enforcement or service provider response.

(1) When the SSTL receives an incoming communication, the Tip Line Technician shall:

(a) Ask the caller's identity (for tips provided via phone and text) or confirm the identity of the person making the tip (for tips provided via website or application on a mobile device). If the person making the tip does not wish to disclose their identity, the Tip Line Technician shall also accept an anonymous tip;

(b) The Tip Line Technician shall immediately assess the situation and ensure that students (and others) are safe from harm. The Tip Line Technician may not delay in contacting responders and/or school officials if there is an immediate threat to safety;

(c) Tip Line Technicians will attempt to capture and confirm the following data by asking questions identified on templates. Components of this factual accounting process may include but are not limited to:

(i) Who is/was involved in the incident? The name of any person reported to be involved in the incident must be documented. The reporter may choose to be anonymous;

(ii) The school where the individual making the tip (if applicable) and student(s) involved are enrolled and the age of the students involved;

(iii) Specific details about the location of incident (i.e. building name/number, floor, room number, etc.);

(iv) Whether the individual reporting an incident is reporting about him/herself or another party;

(v) If more than one person is involved in the incident, the relationship, if any, of those other individuals to the school or school system;

(vi) What happened, (who did/said what to whom, etc.);

(vii) When the incident occurred (time and date, prior events if any);

(viii) Whether a school staff member was notified, and how the school responded;

(ix) Whether treatment by a service provider was sought;

(x) Name of additional institutions/agencies involved.

(d) Tip Line Technicians will use their training and expertise to categorize by type of incident and prioritize a reported or potential threat to school safety by defined level of urgency for response.

(2) The SSTL software may capture Caller ID information, email addresses, and/or Internet Protocol (IP) addresses as part of the technical solution. This information will only be retrieved, used or disclosed in accordance with Oregon Law and these rules.

(3) The Tip Line Technician shall log all tip information into the SSTL system and transmit the tip electronically to the appropriate school, school district or Education Service District, service provider or local law enforcement contacts.

257-095-0070. Tip examination, classification and referrals.

(1) Once a tip is received by the SSTL, Tip Line Technicians shall classify the reported tip based on a pre-identified set of values to designate the level of threats to student safety and level of response needed;

(2) Tips received by Tip Line Technicians shall be referred to the appropriate school, school district or Education Service District, service provider or law enforcement;

(a) Suspicious activity or non-criminal, school-safety concerns (i.e. general tips about bullying, suspicious behavior/actions discovered on social media, fights between students, reports of individuals on school grounds who may not have an appropriate reason for being there) will be routed to schools, school districts, Education Service Districts, school administrators, service providers and also to local law enforcement if the severity of the incident warrants a law enforcement response;

- (b) Tips concerning potential criminal activity shall be forwarded to the appropriate law enforcement agency for that jurisdiction in addition to the notifications in subsection (2)(a);
- (3) When an incoming tip received by the SSTL presents or appears to present a situation of immediate danger or threat of serious harm, the Tip Line Technician shall immediately contact the appropriate law enforcement contacts, appropriate education provider contacts, or service providers relaying all known information about the tip;
- (4) When Tip Line Technicians determine it appropriate based on the nature of the tip and their training and experience, they will forward the tip to other hotlines that are available for reports of violence or crisis prevention;
- (5) Tips or requests for social services that are not within the scope of the program will be referred to other hotlines or resources as available;
- (6) The Tip Line Technician shall document in the SSTL system the person[s] to whom the tip was referred.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Oregon provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Everyday Matters - Increasing Regular Attendance and Reducing Chronic Absenteeism, Oregon Department of Education (ODE)	Provides resources and information on chronic absenteeism, including an overview of the Oregon Statewide Chronic Absenteeism Plan and links to resources and relevant research.	https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/Chronic-Absenteeism.aspx
Health, Safety & Wellness, ODE	Provides resources and information on a range of health and safety related topics, including safe and inclusive schools, school health, and chronic absenteeism.	https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/default.aspx
Positive Behavioral Interventions and Supports (PBIS), ODE	Defines Positive Behavioral Interventions and Supports (PBIS) and provides links to information on best practices in special education settings including Oregon's Response to Instruction and Intervention Initiative (Or-RTIi) and Multi-Tiered System of Supports (MTSS).	https://www.oregon.gov/ode/students-and-family/SpecialEducation/RegPrograms_BestPractice/Pages/Positive-Behavioral-Interventions-and-Supports.aspx
School Discipline, Bullying, Restraint and Seclusion, ODE	Provides links to resources and tools related to discipline, bullying, restraint and seclusion.	http://www.oregon.gov/ode/students-and-family/healthsafety/Pages/School-Discipline,-Bullying,-Restraint-and-Seclusion.aspx
<i>Documents</i>		
Bullying Guidance (September 2017), ODE	Guidance document containing information for school personnel, parents, students, and community members regarding the rules and processes in place to address harassment, intimidation, and bullying in Oregon public schools.	http://www.oregon.gov/ode/students-and-family/healthsafety/Documents/bullyingguidance.pdf

Title	Description	Website address (if applicable)
Discipline Incidents Collection Manual (Revised May 2022), ODE	Manual providing guidance related to data reporting of discipline incidents.	https://www.google.com/url?client=internal-element-cse&cx=017270664345420165392:si_a_fbfaeds&q=https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/DisciplineRestraintSeclusion/DisciplineIncidentsManual.docx&sa=U&ved=2ahUKEwjovMjnuNr5AhXZGVkFHYSjCpEQFnoECAgQAQ&usq=AOvVaw2cnuB69tH87fEgbGdlssEm
Every Student Belongs Guidance on the Issue of Bullying (August 2021), ODE	A question and answer document that provides information to school personnel, parents, students, and community members regarding the rules and processes in place that address harassment, intimidation, and bullying in Oregon's public schools.	https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/bullyingguidance.pdf
HB 4002: Oregon Statewide Chronic Absenteeism State Plan (December 2016), ODE	Statewide education plan addressing chronic absences of students in Oregon public schools.	https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/Oregon%20Chronic%20Absenteeism%20State%20Plan.pdf
Multi-Tiered System of Supports, OSDE	Document provides brief overview of MTSS and targeted indicators. Document also includes links to resources for further implementation guidance of MTSS.	https://www.oregon.gov/ode/students-and-family/GraduationImprovement/Documents/MTSS.pdf
Requirements for District Safety, Alcohol, Tobacco, and Other Drug and Violence Prevention Plans (March 2012), ODE	Guidance document assisting schools and districts with identifying the specific elements required to meet the planning provisions of the federal No Child Left Behind Act, Oregon Administrative Rule 581-022-1420 and Oregon Administrative Rule 581-022-0413.	https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/distplannreq-3-26-2012.pdf
Technical Assistance & Guidelines Manual: Restraint and Seclusion (January 2020), ODE	Technical assistance and guidelines manual addressing the use of physical restraint and seclusion in Oregon schools.	https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/rsguidelinesmanual.pdf

Title	Description	Website address (if applicable)
<i>Other Resources</i>		
2018-19 Discipline Data Media, ODE	Statewide compilation of discipline data, including number of students involved in in-school and out-of-school discipline by grade, race, and offense category.	https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/1819DisciplineMediaFile_09Jul2020.xlsx
Discipline Flow Chart, Guidance Regarding Discipline of Special Education Students Under IDEA 2004, (January 2019), ODE	Discipline flow chart detailing procedures for disciplining students who are eligible for special education and students for whom the school is deemed to have knowledge that the child might have a disability.	http://www.oregon.gov/ode/students-and-family/healthsafety/Documents/disciplineflowchart.pdf
Discipline Incidents Collection Manual (Revised April 2021), ODE	Manual providing guidance related to data reporting of discipline incidents.	https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/School-Discipline,-Bullying,-Restraint-and-Seclusion.aspx
Restraint and Seclusion Incidents Manual (Revised April 2021), ODE	Manual providing guidance related to data reporting of restraint and seclusion incidents.	https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/School-Discipline,-Bullying,-Restraint-and-Seclusion.aspx
Seclusion Rooms Data Collection Manual (January 2021), ODE	Manual providing guidance related to data reporting of seclusion rooms.	https://district.ode.state.or.us/search/page/?id=287