



Oregon Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020

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 January 2020. 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.

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General Provisions

Authority to develop and establish rules 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.

336.580. Education at youth care centers; rules.

(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.

(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Juvenile Detention Education Program [...]

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

(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Youth Corrections Education Program [...]

336.625. Goals; district responsibility; registration; rules.

(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.

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.

(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.
 - (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.

339.356 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) 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.

(D) 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 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

581-021-0050. 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.

581-021-0556. Program's procedures regarding physical 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 physical restraint or seclusion.

(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.

Scope

LAWS

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

(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.

339.351. Definitions for 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;

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:

- (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.

REGULATIONS

581-021-0110. Tobacco free schools.

(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.

Communication of policy

LAWS

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

(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.

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 policies on teen dating violence and domestic violence.

(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.

581-021-0250. An educational agency or institution's policy regarding student education records.

(1) Each educational agency or institution shall adopt a policy regarding how the agency or institution meets the requirements of OARs 581-021-0220 through 581-021-0430. The policy shall include:

(a) A description of how the agency or institution annually informs parents and students of their rights, in accordance with OAR 581-021-0260;

(3) The educational agency or institution shall state the policy in writing and make a copy of it available on request to a parent or eligible student.

In-School Discipline

Use of multi-tiered discipline approaches

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.

(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:

(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.

(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.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

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.
- (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.

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.

(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);

(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.

REGULATIONS

No relevant regulations found.

Use of 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.

Use of student and locker searches

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;

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible 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.

(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.

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.

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.

Grounds for mandatory suspension or expulsion

LAWS

339.250. Duty of student to comply with rules; policy 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:

(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.

REGULATIONS

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, conditions or exclusions for use of suspension and 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.

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

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

339.252. Child with disability continues to be entitled to free appropriate public education if removed for disciplinary reasons; due process procedures.

- (1) As used in this section, "child with a disability" has the meaning given that term in ORS 343.035.
- (2) A child with a disability continues to be entitled to a free appropriate public education if the child has been removed for disciplinary reasons from the child's current educational placement for more than 10 school days in a school year.
- (3) A disciplinary removal is considered a change in educational placement and the school district shall follow special education due process procedures under ORS 343.155(5) if:
 - (a) The removal is for more than 10 consecutive school days; or

(b) The child is removed for more than 10 cumulative school days in a school year, and those removals constitute a pattern based on the length and total time of removals and the proximity of the removals to one another.

(4) A child with a disability shall not be removed for disciplinary reasons under subsection(3) of this section for misconduct that is a manifestation of the child's disability, except as provided under ORS 343.177.

(5) Notwithstanding ORS 339.250(5)(h) or(7)(c)(B), a school district shall provide a free appropriate public education in an alternative setting to a child with a disability even if the basis for expulsion was a weapon violation pursuant to ORS 339.250(7).

(6) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

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.

(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 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.

(7) 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.

Administrative procedures related to suspension and expulsion

LAWS

339.115. Admission of students; waiver; denial.

(1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the regular school program, the district school board shall admit free of charge to the schools of the district all persons between the ages of 5 and 19 who reside within the school district. A person whose 19th birthday occurs during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year. A district school board may admit nonresident persons, determine who is not a resident of the district and fix rates of tuition for nonresidents.

(8) Notwithstanding subsection (1) of this section, a school district:

(a) May for the remaining period of an expulsion deny admission to the regular school to a resident student who is expelled from another school district; and

(b) Shall for at least one calendar year from the date of the expulsion and if the expulsion is for more than one calendar year, may for the remaining period of time deny admission to the regular school program to a student who is under expulsion from another school district for an offense that constitutes a violation of a school district policy adopted pursuant to ORS 339.250 (7).

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

581-015-2400. Definitions.

For the purposes of OAR 581-015-2400 through 581-015-2445, the following definitions apply:

(1) "Behavioral intervention plan" means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior.

(2) "Current educational placement" means the type of educational placement of the child as described in the child's "annual determination of placement" document at the time of the disciplinary removal. It does not mean the specific location or school but the type of placement on the continuum of placement options (e.g. regular classroom with support; regular classroom with resource room support; special class; special school; home instruction, etc.).

(3) "Disciplinary removal" means suspension, expulsion, or other removal from school for disciplinary reasons, including removals for mental health examinations for students who threaten violence or harm in public schools under ORS 339.250(4)(b)(C). It does not include:

(a) Removals by other agencies;

(b) Removals for public health reasons (e.g. head lice, immunizations, communicable diseases, etc.);

(c) In-school suspensions if the child continues to have access to the general curriculum and to special education and related services as described in the child's IEP, and continues to participate with children without disabilities to the extent they would in their current placement; or

(d) Bus suspensions, unless the student's IEP includes transportation as a related service, the district makes no alternative transportation arrangements for the student, and the student does not attend school as a result of the bus suspension.

(4) "Functional behavioral assessment" means an individualized assessment of the student that results in a hypothesis about the function of a student's behavior and, as appropriate, recommendations for a behavior intervention plan.

(5) "Suspension" means any disciplinary removal other than expulsion.

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.

581-015-2415. 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.

581-015-2425. 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.

581-015-2430. Removal to an interim alternative educational setting by administrative law judge (injurious behavior).

- (1) "Injurious behavior" means behavior that is substantially likely to result in injury to the child or to others.
- (2) School districts may request an expedited due process hearing under OAR 581-015-2445 to obtain an order from an administrative law judge to order a change in placement of the child to an interim alternative educational setting for not more than 45 school days for injurious behavior.
- (3) The interim alternative educational setting must meet the requirements of OAR 581-015-2435(2).
- (4) The procedures in subsection (2) may be repeated if the school district believes that returning the child to the original placement is substantially likely to result in injurious behavior.
- (5) Nothing in this rule precludes a school district from seeking a court order to remove a child from the child's current educational placement to another placement if the district believes that the maintaining the child in the child's current educational placement is substantially likely to result in injurious behavior.

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 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.
- (7) 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) 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.

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

(3) 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.

In-school suspension

LAWS

No relevant laws found.

REGULATIONS

581-015-2400. Definitions.

(3) "Disciplinary removal" means suspension, expulsion, or other removal from school for disciplinary reasons, including removals for mental health examinations for students who threaten violence or harm in public schools under ORS 339.250(4)(b)(C). It does not include:

(c) In-school suspensions if the child [with special education needs] continues to have access to the general curriculum and to special education and related services as described in the child's IEP, and continues to participate with children without disabilities to the extent they would in their current placement.

Return to school following removal

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of 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 section 1 of this 2019 Act, 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.

339.285. Definitions for ORS 339.285 to 339.303.

As used in ORS 339.285 to 339.303:

- (1) "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.
- (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; limitations on use of physical restraint and seclusion.

(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 physical 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 physical 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.

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

(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 581-021-0566:

- (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 structure 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 physical 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 and 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.

581-021-0559. Reporting requirements for the use of physical restraint & seclusion.

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

(a) The total number of incidents involving physical restraint;

(b) The total number of incidents involving seclusion;

(c) The total number of seclusions in a locked room;

- (d) The total number of students placed in physical restraint;
 - (e) The total number of students placed in seclusion;
 - (f) The total number of seclusion rooms available; and a description, including the location of those rooms, designated solely for seclusion;
 - (g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;
 - (h) The number of students who were placed in physical 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 physical restraint and seclusion for each student;
 - (i) The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained; and
 - (j) The demographic characteristics of all students upon whom physical 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) Each entity that has jurisdiction over a public education program shall make its annual report about physical restraint and seclusion available to:
- (a) The public at the entity's main office and the website of the entity; and
 - (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;
 - (d) If the entity is a public charter school, the sponsor of the public charter school;
 - (e) Parents and guardians of students in a public education program, who shall be advised at least once each school year about how to access the report.

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.

Standards for Seclusion Rooms

(1) Beginning with the 2014-15 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.

Alternative placements

LAWS

336.575. Notice and consultation before establishing, expanding or changing residential program.

(1) Prior to establishing or expanding a residential program authorized to provide care to five or more children or changing the type of educational services provided or the category of children being served by the residential program in any school district, the authorities of the agency establishing or altering such a program shall notify in writing and confer with the superintendent or the district school board of any substantially affected district to determine the impact of the additional children and services upon the facilities and program of the district.

(2) The notification required by subsection (1) of this section must occur at least three months prior to the establishment or expansion of the residential program or prior to the time when the type of educational services or category of children changes. The three-month period, or any part of it, may be waived by agreement of the agency and the affected school district.

(3) This section does not apply to temporary changes in, or expansion of, residential programs of less than 30 days' duration that result from meeting emergency needs of children.

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 336.675.

As used in ORS 336.615 to 336.675, "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 337.150, 339.141, 339.147 and 339.155 (tuition and fees);
- (d) ORS 659.850, 659.855 and 659.860 (discrimination);
- (e) ORS 339.122 (advertisement requirements);
- (f) Health and safety statutes and rules; and
- (g) 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 336.675 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.

(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);

(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:

(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.

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.

581-015-2430. Removal to an interim alternative educational setting by administrative law judge (injurious behavior).

- (1) "Injurious behavior" means behavior that is substantially likely to result in injury to the child or to others.
- (2) School districts may request an expedited due process hearing under OAR 581-015-2445 to obtain an order from an administrative law judge to order a change in placement of the child to an interim alternative educational setting for not more than 45 school days for injurious behavior.
- (3) The interim alternative educational setting must meet the requirements of OAR 581-015-2435(2).
- (4) The procedures in subsection (2) may be repeated if the school district believes that returning the child to the original placement is substantially likely to result in injurious behavior.
- (5) Nothing in this rule precludes a school district from seeking a court order to remove a child from the child's current educational placement to another placement if the district believes that the maintaining the child in the child's current educational placement is substantially likely to result in injurious behavior.

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 (3) 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(5).

(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 student's learning styles and needs;
- (d) Procedures for enrolling the student in the recommended program; and
- (e) When the parent or guardian's 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 by March 31 each year, beginning in 2008. 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 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.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

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.

- (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

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

No relevant regulations found.

Other weapons

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.

(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

REGULATIONS

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

(1) Definitions: [...]

(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.

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

(f) Unauthorized use of weapons or dangerous instruments;

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.

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

(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.

(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

339.294. Procedures following incident; notification; records.

(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.

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.

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

(h) Persistent failure to comply with rules of the lawful directions of teachers or school officials.

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

(5) If a student is involved in five incidents in a school year involving physical 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.

Attendance and truancy

LAWS

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

581-021-0050. 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:

(e) Attendance;

Substance use

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:
- (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 18 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. [...]

(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:

(g) Alcohol, drugs, and tobacco;

581-021-0055. Standards of conduct.

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

(g) Unlawful use of drugs, narcotics, or alcoholic beverages;

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.

Bullying, harassment, or hazing

LAWS

163.197 Hazing.

(1) A student organization or a member of a student organization commits the offense of hazing if, as a condition or precondition of attaining membership in the organization or of attaining any office or status in the organization, the organization or member intentionally hazes any member, potential member or person pledged to be a member of the organization.

(2)(a) A student organization that violates subsection (1) of this section commits a Class A violation.

(b) A member of a student organization who personally violates subsection (1) of this section commits a Class B violation.

(3) Consent of the person who is hazed is not a defense in a prosecution under this section.

(4) As used in this section:

(a) "Haze" means:

(A) To subject an individual to whipping, beating, striking, branding or electronic shocking, to place a harmful substance on an individual's body or to subject an individual to other similar forms of physical brutality;

(B) To subject an individual to sleep deprivation, exposure to the elements, confinement in a small space or other similar activity that subjects the individual to an unreasonable risk of harm or adversely affects the physical health or safety of the individual;

(C) To compel an individual to consume food, liquid, alcohol, cannabis, controlled substances or other substances that subject the individual to an unreasonable risk of harm or adversely affect the physical health or safety of the individual; or

(D) To induce, cause or require an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

(b) "Member" includes volunteers, coaches and faculty advisers of a student organization.

(c) "Student organization" means a fraternity, sorority, athletic team or other organization that is organized or operating on a college, university or elementary or secondary school campus for the purpose of providing members an opportunity to participate in student activities of the college, university or elementary or secondary school.

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

339.351. Definitions for 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) 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.
 - (D) 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 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.

339.359. Training programs; prevention task forces, programs and other initiatives.

- (1) School districts must incorporate into existing training programs for students and school employees information related to:

(a) The prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying; and

(b) The policy adopted under ORS 339.353.

(2) School districts are encouraged to form task forces and to implement programs and other initiatives that are aimed at the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying and that involve school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

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

No relevant regulations found.

Other special infractions or conditions

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;

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

- (E) Willful damage or injury to school property;
- (G) Assault of a school employee or another student; or

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.

339.885. Secret societies in public schools prohibited; membership grounds for suspension or expulsion.

(1) No secret society of any kind, including a fraternity or sorority, shall be permitted in any public school.

(2) The district school board may order the suspension or expulsion of any pupil who belongs to a secret society.

(3) This section does not apply to any public university listed in ORS 352.002.

REGULATIONS

No relevant regulations found.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

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.

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.

336.227. Duties of Oregon Health Authority.

To assist school districts to formulate the programs described in ORS 336.222 (1), the Oregon Health Authority shall:

(1) Devise a public information program directed toward students, parents, teachers, administrators and school board members at the school district level; and

(2) Contact advocacy associations of the target groups described in subsection (1) of this section to facilitate outreach programs and disseminate alcohol and drug abuse prevention information.

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.

339.250. 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.

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

(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;

339.359. Training programs; prevention task forces, programs and other initiatives.

(1) School districts must incorporate into existing training programs for students and school employees information related to:

(a) The prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying; and

(b) The policy adopted under ORS 339.356.

(2) School districts are encouraged to form task forces and to implement programs and other initiatives that are aimed at the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying and that involve school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

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

581-021-0563. 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.

581-022-2045. Prevention Education in Drugs and Alcohol.

- (1) Each school district shall develop a comprehensive plan for alcohol and drug abuse prevention program which shall include, but not limited to:
- (a) Instruction in the effects of tobacco, alcohol, drugs, including anabolic steroids, performance-enhancing and controlled substances as an integral part of the district's K12 comprehensive health education program. In addition, at least annually, all high school students, grades 9-12 shall receive age-appropriate instruction about drug and alcohol prevention
 - (A) The age-appropriate curriculum for this instruction shall:
 - (i) Emphasize prevention strategies;
 - (ii) Be reviewed and updated annually to reflect current research; and
 - (iii) Be consistent with State Board adopted Health Education Academic Content Standards.
 - (B) Basic information shall include:

- (i) The effects of alcohol, tobacco and other drug use, including anabolic steroids, performance-enhancing and controlled substances
 - (ii) All laws relating to the use, especially by minors, of alcohol and other illegal drugs; and
 - (iii) The availability of school and community resources.
- (C) The instructional program shall include activities which will assist students in developing and reinforcing skills to:
- (i) Understand and manage peer pressure;
 - (ii) Understand the consequences of consuming alcohol and other drugs;
 - (iii) Make informed and responsible decisions; and
 - (iv) Motivate students to adopt positive attitudes towards health and wellness.
- (b) A public information program for students, parents, and district staff; and
- (c) Policies, rules, and procedures which:
- (A) Include a philosophy statement relating to drug-free schools and the established tobacco-free policies and procedures for students, staff and visitors.
 - (B) Define the nature and extent of the district's program, including a plan to access and use federal funds;
 - (C) State that alcohol, tobacco, and other drug use by student is illegal and harmful;
 - (D) In accordance with OAR 581-021-0050 and 581-021-0055, indicate the consequences for using and/or selling alcohol and other drugs, including the specific rule of the school as it relates to law enforcement agencies;
 - (E) Describe the district's intervention and referral procedures, including those for drug-related medical emergencies;
 - (F) Indicate clearly that the school district's jurisdiction includes all school sponsored events including student activities; and
 - (G) Are reviewed and updated annually.
- (2) The district's drug and alcohol prevention and intervention program shall be approved by the school district board after consultation from parents, teachers, school administrators, local community agencies, and persons from the health or alcohol and drug service community who are knowledgeable of the latest research information.
- (3) Staff development in the district shall:
- (a) Inform all staff of the district plan and their responsibilities within that plan; and
 - (b) Provide alcohol and drug abuse prevention education to all staff.

Behavioral interventions and student support services

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.

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.

336.227. Duties of Oregon Health Authority.

To assist school districts to formulate the programs described in ORS 336.222 (1), the Oregon Health Authority shall:

- (1) Devise a public information program directed toward students, parents, teachers, administrators and school board members at the school district level; and
- (2) Contact advocacy associations of the target groups described in subsection (1) of this section to facilitate outreach programs and disseminate alcohol and drug abuse prevention information.

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.

339.250. 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:

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

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

- (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;

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.

(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:

- (b) Arrange appropriate counseling or education for the transfer student.

REGULATIONS

581-015-2181. Functional Behavioral Assessments.

- (1) As used in this rule:
 - (a) "Behavior intervention plan" means an individualized plan, including positive interventions, designed to:
 - (A) Assist a student to decrease inappropriate behavior; and
 - (B) Increase or teach an alternative appropriate behavior.
 - (b) "504 Plan" means an education plan developed for a student in accordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794.
 - (c) "Functional behavioral assessment" means an individualized assessment of a student that results in a hypothesis about the function of a student's behavior and, as appropriate, recommendations for a behavior intervention plan.
 - (d) "Qualified person" means an individual with training and/or experience in conducting functional behavioral assessments.
 - (e) "Serious bodily injury" has the meaning given that term in ORS 339.285.
 - (f) "Service provider" includes school personnel who:
 - (A) Are or will be providing services related to the implementation of an individualized education program or a 504 Plan to the student; and

(B) Do not hold a teaching license or an administrative license.

(2)(a) A school district must conduct a functional behavioral assessment and develop, review or revise a behavior intervention plan within 45 school days of receiving parental consent to conduct the assessment for every student who has:

(A) An individualized education program or a 504 Plan; and

(B) Placed the student, other students or staff at imminent risk of serious bodily injury as a result of the student's behavior.

(b) For purposes of this subsection, if a functional behavioral assessment has been previously completed, the school district must review and/or revise the existing functional behavior assessment.

(3) When a behavior intervention plan is developed, reviewed or revised as provided by subsection (2) of this section, the school district must:

(a) Ensure that the behavior intervention plan is based on a functional behavioral assessment that was conducted by a qualified person;

(b) Ensure that the behavior intervention plan appropriately addresses the student's needs;

(c) Allow service providers involved in the incident when the student, other students or staff were at imminent risk of serious bodily injury to provide meaningful input into the development, review or revision;

(d) Inform the service providers about any portions of the behavior intervention plan that are relevant to the service providers and about any training opportunities for the service providers; and

(e) Ensure that the behavior intervention plan was correctly implemented before making any revisions.

Professional development

LAWS

339.291. Use of physical restraint or seclusion.

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

(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

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.

339.359. Training programs; prevention task forces, programs and other initiatives.

(1) School districts must incorporate into existing training programs for students and school employees information related to:

(a) The prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying; and

(b) The policy adopted under ORS 339.356.

REGULATIONS

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.

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.

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.

(b) “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.

(c) “Personally identifiable information” means any information that would permit the identification of a person who reports information using the tip line, and is not limited to name, phone number, physical address, electronic mail address, race, gender, sexual orientation, disability designation, religious affiliation, national origin, ethnicity, school of attendance, city, county or any geographic identifier included in information conveyed through the tip line, or information identifying the machine or device used by the person in making a report using the tip line.

(d) “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.

(e) “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 career school, as defined in ORS 345.010; or
- (E) A public university listed under ORS 352.002.

(f) “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.

(g) "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; and
- (C) Electronically through the Internet.

(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.

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

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. Incidents 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 physical restraint & seclusion.

- (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.

581-021-0559. Reporting requirements for the use of physical restraint & seclusion.

- (1) Each entity that has jurisdiction over a public education program must prepare an annual report detailing the use of physical restraint and seclusion for the preceding school year, including, at a minimum:
 - (a) The total number of incidents involving physical restraint;
 - (b) The total number of incidents involving seclusion;
 - (c) The total number of seclusions in a locked room;
 - (d) The total number of students placed in physical restraint;
 - (e) The total number of students placed in seclusion;

- (f) The total number of seclusion rooms available; and a description, including the location of those rooms, designated solely for seclusion;
 - (g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;
 - (h) The number of students who were placed in physical 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 physical restraint and seclusion for each student;
 - (i) The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained; and
 - (j) The demographic characteristics of all students upon whom physical 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) Each entity that has jurisdiction over a public education program shall make its annual report about physical restraint and seclusion available to:
- (a) The public at the entity's main office and the website of the entity; and
 - (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;
 - (d) If the entity is a public charter school, the sponsor of the public charter school;
 - (e) Parents and guardians of students in a public education program, who shall be advised at least once each school year about how to access the report.

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 336.675 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.

(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.

339.291. Use of physical 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:

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

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.

(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.

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;
- (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.

339.925. Compulsory school attendance violation procedure; rules.

(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; and
 - (E) Is written in the native language of the parent or guardian of the student.

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) 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.

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

(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 (3) 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(5).

(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 student's learning styles and needs;

(d) Procedures for enrolling the student in the recommended program; and

(e) When the parent or guardian's 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 and 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.

581-021-0559 Reporting Requirements for the Use of Physical Restraint & Seclusion

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

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

Reporting and referrals between schools and 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.

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

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

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 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.

Disclosure of school records

LAWS

336.184. Oregon Student Information Protection Act; definitions; prohibitions; exemptions.

(1) This section shall be known and may be cited as the Oregon Student Information Protection Act.

(2) As used in this section:

(a) "Covered information" means personally identifiable information or materials that regard a student in this state and that are in any media or format that meet any of the following:

(A) Are created or provided by a student, or the student's parent or legal guardian, to an operator in the course of the student's, parent's or legal guardian's use of the operator's site, service or application for kindergarten through grade 12 purposes;

(B) Are created for an operator or provided to an operator by an employee or agent of the kindergarten through grade 12 school, school district or education service district for kindergarten through grade 12 purposes; or

(C) Are gathered by an operator and personally identify a student, or are linked to information that personally identifies a student, including, but not limited to:

(i) Information in the student's educational record or electronic mail;

(ii) The student's first and last name, home address, telephone number, electronic mail address or other information that allows physical or online contact; or

(iii) The student's discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photographs, voice recordings or geolocation information.

(b) "Kindergarten through grade 12 school purposes" means purposes that:

(A) Are directed by, or that customarily take place at the direction of, a kindergarten through grade 12 school, teacher, school district or education service district;

(B) Aid in the administration of school activities, including instruction in the classroom or at home, administrative activities and collaboration between students, school personnel or parents; or

(C) Are primarily for the use and benefit of the school.

(c) "Operator" means the operator of an Internet website, online service, online application or mobile application with actual knowledge that the site, service or application:

(A) Is used primarily for kindergarten through grade 12 school purposes; and

(B) Was designed and marketed for kindergarten through grade 12 school purposes, to the extent that the site, service or application is operating in that capacity.

(d) "Student" means a student in any grade from kindergarten through grade 12.

(e)(A) "Targeted advertising" means advertising presented to a student based on information obtained or inferred from the student's online behavior, usage of applications or covered information.

(B) "Targeted advertising" does not include advertising presented to a student:

(i) At an online location based upon the student's current visit to that location; or

(ii) As a single search query, as long as the student's online activities are not collected or retained over time.

(3)(a) An operator may not knowingly engage in any of the following activities with respect to the operator's site, service or application:

(A) Engage in targeted advertising on the operator's site, service or application.

(B) Target advertising on any other site, service or application when the targeting of the advertising is based upon any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator's site, service or application for kindergarten through grade 12 school purposes.

(C) Use information, including persistent unique identifiers, created or gathered by the operator's site, service or application, to amass a profile about a student, except in furtherance of kindergarten through grade 12 school purposes.

(D) Sell a student's information, including covered information. The prohibition of this subparagraph does not apply to the purchase, merger or other type of acquisition of an operator by another entity, provided that the operator or successor entity continues to be subject to the provisions of this section with respect to previously acquired student information that is subject to this section.

(E) Disclose covered information, unless the disclosure is made:

(i) In furtherance of the kindergarten through grade 12 school purposes of the site, service or application, provided the recipient of the covered information:

(I) Does not further disclose covered information, unless the disclosure is to allow or improve the operability and functionality within the student's classroom or school; and

(II) Is legally required to comply with the requirements of subsection (4) of this section and to not use that covered information in violation of this section;

(ii) To ensure legal and regulatory compliance;

(iii) To respond to or participate in the judicial process;

(iv) To protect the safety of users or others or the security or integrity of the site; or

(v) To a service provider, provided the operator contractually:

(I) Prohibits the service provider from using any covered information for any purpose other than providing the contracted service to, or on behalf of, the operator;

(II) Prohibits the service provider from disclosing any covered information provided by the operator to subsequent third parties, except in furtherance of kindergarten through grade 12 school purposes of the site, service or application or for a purpose permitted by subsection (3)(a), (6) or (7) of this section; and

(III) Requires the service provider to implement and maintain reasonable security procedures and practices as provided by subsection (4) of this section.

(b) Nothing in this subsection shall be construed to prohibit the operator's use of information for maintaining, developing, supporting, improving or diagnosing the operator's site, service or application.

(4) An operator shall:

(a) Implement and maintain reasonable security procedures and practices appropriate to the nature of the covered information and appropriate to protect the covered information from unauthorized access, destruction, use, modification or disclosure; and

(b) Delete a student's covered information within a reasonable time if the school or school district requests deletion of data that is under the control of the school or school district.

(5) Notwithstanding subsections (3)(a)(E) and (6) of this section, an operator may disclose covered information of a student if the disclosure:

- (a) Does not violate subsection (3)(a)(A) to (D) of this section;
- (b) Is required by federal or state law and the operator complies with the requirements of federal and state law in protecting and disclosing the information;
- (c) Is for legitimate research purposes that are:
 - (A) Required by federal or state law and subject to the restrictions under applicable federal and state law; or
 - (B) Allowed by federal or state law and made under the direction of a school, school district, education service district or the Department of Education, if the covered information is not used for any purpose in furtherance of advertising or amassing a profile on the student for purposes other than kindergarten through grade 12 school purposes; or
- (d) Is made to a state or local educational agency, including schools and school districts, for kindergarten through grade 12 school purposes as permitted by federal or state law.

(6) Nothing in this section prohibits an operator from:

- (a) Disclosing deidentified student covered information if the disclosure is:
 - (A) Within the operator's site, service or application or other sites, services or applications owned by the operator to develop or improve educational products or services; or
 - (B) Made to demonstrate the effectiveness of the operator's products or services, including marketing for the operator's products or services;
- (b) Sharing aggregated deidentified student covered information for the development and improvement of educational sites, services or applications;
- (c) Using student data, including covered information, for adaptive learning or customized student learning purposes; or
- (d) Responding to a student-initiated request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.

(7) Nothing in this section shall be construed to limit the authority of:

- (a) A law enforcement agency to obtain any content or information from an operator as authorized by law or pursuant to an order of a court of competent jurisdiction;
- (b) An Internet service provider from providing Internet connectivity to schools or students and their families;
- (c) An operator of an Internet website, online service, online application or mobile application from marketing educational products directly to parents or legal guardians, as long as the marketing does not result from the use of covered information obtained by the operator through the provision of services covered under this section; or
- (d) Students, or the students' parents or legal guardians, to download, transfer, export or otherwise save or maintain their own student data or documents.

(8) Nothing in this section shall be construed to impose a duty upon:

- (a) A provider of an electronic store, gateway, marketplace or other means of purchasing or downloading software or applications to review or enforce compliance with this section by those applications or software; or
- (b) A provider of an interactive computer service to review or enforce compliance with this section by third-party content providers. As used in this paragraph, "interactive computer service" means any information service, system or access software provider that provides or enables computer access by

multiple users to a computer server, including specifically a service or system that provides access to the Internet and such services or systems operated or offered by libraries or educational institutions.

(9) This section does not apply to general audience Internet websites, general audience online services, general audience online applications or general audience mobile applications, even if login credentials created for an operator's site, service or application may be used to access those general audience sites, services or applications.

(10) Violation of this section is an unlawful practice under ORS 646.607.

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.

339.326. 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.

(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.

REGULATIONS

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 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.

581-021-0250. An educational agency or institution's policy regarding student education records.

- (1) Each educational agency or institution shall adopt a policy regarding how the agency or institution meets the requirements of OARs 581-021-0220 through 581-021-0430. The policy shall include:
- (a) A description of how the agency or institution annually informs parents and students of their rights, in accordance with OAR 581-021-0260;
 - (b) A description of how a parent or eligible student may inspect and review education records according to OAR 581-021-0270;
 - (c) A statement that personally identifiable information will not be released from an education record without the prior written consent of the parent or eligible student according to OAR 581-021-0330, except under one or more of the conditions described in 581-021-0340;
 - (d) A statement indicating whether the educational agency or institution has a policy of disclosing personally identifiable information under OAR 581-021-0340(1), and, if so, a specification of the criteria

for determining which parties are school officials and what the agency or institution considers to be a legitimate educational interest. With respect to students with disabilities, each educational agency or institution shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information;

(e) A statement that a record of disclosures will be maintained as required by OAR 581-021-0400, and that a parent or eligible student may inspect and review that record;

(f) Specification by the educational agency or institution of the types of personally identifiable information the agency or institution has designated as directory information under OAR 581-021-0390;

(g) A statement that the agency or institution permits a parent or eligible student to request correction of the student's education records under OAR 581-021-0300, to obtain a hearing under 581-021-0310(1), and to add a statement to the record under 581-021-0310(3);

(h) A statement that the educational agency or institution, as required by OAR 581-021-0260, annually notifies parents and eligible students of their rights to review and propose amendments to the student's education records;

(i) A statement that the educational agency or institution maintains a permanent record on each student;

(j) A statement that the educational agency or institution will request the social security number of a student and will include the social security number on the permanent student record only if the parent or eligible student complies with the request. The request shall include notification to the parent or eligible student that the provision of the social security number is voluntary and notification of the purposes for which the social security number will be used;

(k) A statement that the educational agency or institution provides for the retention of permanent records in a minimum one-hour fire-safe place in the educational agency or institution, or for keeping duplicate permanent records in a safe depository outside the building;

(l) A statement that the education agency or institution complies with OAR 581-021-0255 on the request for and transfer of student education records; and

(m) A statement that the educational agency or institution has a policy of disclosing personally identifiable information from an education record to an ESD, state regional program, or other educational agency or institution that has requested the records and in which the student seeks or intends to enroll or is enrolled or receives services from. The term "receives services" includes, but is not limited to, an evaluation or re-evaluation for purposes of determining whether a student has a disability.

(2) For purposes of subsection (1)(l) of this rule:

(a) "Private agency" means an agency with which the Department of Education contracts under ORS 343.961; and

(b) "Youth care center" means a center as defined in ORS 420.855.

(3) The educational agency or institution shall state the policy in writing and make a copy of it available on request to a parent or eligible student.

581-021-0360. Conditions for the disclosure of information to other educational agencies or institutions.

(1) Each educational agency or institution shall annually notify parents of students currently in attendance, and eligible students currently in attendance, at the agency or institution of their rights under OAR 581-021-0220 through 581-021-0440.

(2) The notice must inform parents and eligible students that they have a right to:

(a) Inspect and review the student's education records;

- (b) Request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
 - (c) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that these rules authorize disclosure without consent;
 - (d) Pursuant to OAR 581-021-0410, file with the U.S. Department of Education a complaint under 34 CFR § 99.64 concerning alleged failures by the agency or institution to comply with the requirements of the Family Educational Rights and Privacy Act; and
 - (e) Obtain a copy of the policy adopted under OAR 581-021-0250.
- (3) The notice must include all of the following:
- (a) The procedure for exercising the right to inspect and review education records.
 - (b) The procedure for requesting amendment of records under OAR 581-021-0300;
 - (c) Regarding disclosure of education records to school officials and teachers within the education agency whom the agency has determined to have legitimate educational interest, a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest;
- (4) Each educational agency or institution shall annually notify parents and eligible students of what it considers to be directory information and the conditions for disclosure of such information as provided in OAR 581-021-0390.
- (5) Each educational agency or institution shall annually notify parents or eligible students that it forwards education records requested under OAR 581-021-0250(1)(m) and (p) within 10 days of receiving the request.
- (6) The notice provided under section (1) of this rule must also indicate the places where copies of the policy adopted under OAR 581-021-0250 are located.
- (7) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents and eligible students of their rights;
- (8) An agency or institution of elementary or secondary education shall effectively notify parents of students who have a primary or home language other than English.
- (9) An educational agency or institution shall effectively notify parents or eligible students who have a disability.
- [Publications: Publications referenced are available from the agency.]

581-021-0370. Conditions for the disclosure of information for federal or state program purposes.

- (1) The officials listed in OAR 581-021-0340(3) shall have access to education records in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal or state legal requirements which relate to those programs.
- (2) Information that is collected under section (1) of this rule must:
 - (a) Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in section (1) of this rule; and
 - (b) Be destroyed when no longer needed for the purposes listed in section (1) of this rule.
- (3) Section (2) of this rule does not apply if:
 - (a) The parent or eligible student has given written consent for the disclosure under OAR 581-021-0330; or
 - (b) The collection of personally identifiable information is specifically authorized by state or federal law.

581-021-0371. Conditions for the disclosure of information to comply with judicial order or subpoena.

The educational agency or institution may disclose information under this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action except as provided below.

(1) Conditions when no notice required:

(2) The educational agency or institution may disclose information under this section without notice to the parent or eligible student if the disclosure is in compliance with:

(a) A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

(b) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

581-021-0372. Conditions for the disclosure of information when legal action initiated.

(1) If an educational agency or institution initiates legal action against a parent or student, the educational agency or institution may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the educational agency or institution to proceed with the legal action as plaintiff.

(2) If a parent or eligible student initiates legal action against an educational agency or institution, the educational agency or the institution may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the educational agency or institution to defend itself.

581-021-0391. Conditions for the disclosure of information to juvenile justice agencies.

An educational agency or institution may disclose personally identifiable information to a court and state and local juvenile justice agencies including, but not limited to, law enforcement agencies, juvenile departments and child protective service agencies provided that:

(1) Disclosure relates 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.

(2) 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.

Data collection, review, and reporting of disciplinary 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 physical 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.

581-021-0559. Reporting Requirements for the Use of Physical Restraint & Seclusion.

- (1) Each entity that has jurisdiction over a public education program must prepare an annual report detailing the use of physical restraint and seclusion for the preceding school year, including, at a minimum:
 - (a) The total number of incidents involving physical restraint;
 - (b) The total number of incidents involving seclusion;
 - (c) The total number of seclusions in a locked room;
 - (d) The total number of students placed in physical restraint;
 - (e) The total number of students placed in seclusion;
 - (f) The total number of seclusion rooms available; and a description, including the location of those rooms, designated solely for seclusion;
 - (g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;
 - (h) The number of students who were placed in physical 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 physical restraint and seclusion for each student;
 - (i) The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained; and
 - (j) The demographic characteristics of all students upon whom physical 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) Each entity that has jurisdiction over a public education program shall make its annual report about physical restraint and seclusion available to:
 - (a) The public at the entity's main office and the website of the entity; and

- (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;
- (d) If the entity is a public charter school, the sponsor of the public charter school;
- (e) Parents and guardians of students in a public education program, who shall be advised at least once each school year about how to access the report.

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

339.040. Attendance supervisors.

(1) The executive officer of the administrative office for the county shall appoint one person to act as the attendance supervisor for school districts having a school census of less than 1,000 children in the county. The attendance supervisor shall perform duties under the direction of the administrative office for the county. The attendance supervisor shall receive as compensation for services a sum fixed by the governing body of the county and allowed and paid in the same manner as the salaries of county officers are paid.

(2) District school boards of districts having a school census of 1,000 or more children, according to the latest school census, shall appoint attendance supervisors and fix and pay their compensation.

(3) The administrative office for the county, upon written application from the district school board in any school district having a school census of more than 200 and less than 1,000 children, according to the latest school census, shall grant such district permission to appoint attendance supervisors and fix their compensation and pay.

(4) For purposes of the appointment and duties of attendance supervisors, the territory in a joint school district shall be considered part of the county in which the administrative office of the joint district is located.

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.

339.090. 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.

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

No relevant laws found.

REGULATIONS

581-021-0059. Model programs for disruptive students.

- (1) The purpose of this rule is to establish a two-year pilot program by which school district boards may adopt a program to address the problems of disruptive students in schools.
- (2) Definitions - For the purpose of this rule, the following definitions shall apply:
 - (a) "School district" means the school district where the student is attending school.
 - (b) "Serious offense" means a violation of school district policies and procedures on:
 - (A) Alcohol or drugs;
 - (B) Arson;
 - (C) Assault;
 - (D) Firearms;
 - (E) Extortion;
 - (F) Harassment;
 - (G) Intimidation or menacing;
 - (H) Knives;
 - (I) Reckless endangering;
 - (J) Sexual harassment;
 - (K) Theft;
 - (L) Vandalism; or
 - (M) Weapons.
 - (c) "Disruptive student" means a student who has been found to have committed a serious offense as defined in the rule, while on the school property, at a school sponsored activity or at an interscholastic activity sponsored by a voluntary organization approved by the State Board of Education.
- (3) Pilot programs developed under this rule shall be established in not more than five school districts and may include, but not be limited to, the following:
 - (a) Counseling services, including rehabilitation counseling;
 - (b) Social work services; and
 - (c) A parent counseling and training class that may be provided by a county or program provider.
- (4) A School district may apply to the Department of Education to be a pilot program. The application shall include, but not be limited to:
 - (a) A timeline for the implementation of the pilot program;
 - (b) A description of services provided to students and their parents who participate in the pilot program;
 - (c) Policy and procedures for selection of students and parents who will participate in the pilot program;
 - (d) Program services that are appropriate to meet the students' and parents' needs.

(5) The school district shall report the progress of their pilot program to the Department of Education. The first report shall be December, 1998 with subsequent reports March 1999, July 1999, December 1999 and June 2000.

(6) If a student is expelled for a serious offense, the school district may require the parents and the student to participate in appropriate program services to assist the student and parents to address problems with the student's disruptive behavior and to help the student to benefit from their educational setting.

(7) Pilot programs may be monitored by the Department of Education.

(8) Students in special education and the parents of the students shall be exempted from this program.

Funding appropriations

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:

(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.

(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:

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

REGULATIONS

No relevant regulations found.

Other or Uncategorized

Professional immunity or liability

LAWS

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

(1) (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.

(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.

(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.

(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.

(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.

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.

(6)(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.

(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.

(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.

339.362. Retaliation against victims and witnesses prohibited; school employee immunity.

(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.

REGULATIONS

No relevant regulations found.

Community input or involvement

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.
 - (c) Analyze the data collected in compliance with section 5, chapter 618, Oregon Laws 2001.
 - (d) Research and evaluate school safety programs so schools and communities are better able to address their specific needs.
 - (e) Promote interagency efforts to address discipline and safety issues within communities throughout the state.
 - (f) Prepare and disseminate information regarding the best practices in creating safe and effective schools.
 - (g) Advise the State Board of Education on rules and policies.
 - (h) Provide an annual report on the status of school safety in Oregon by July 1 of each year to:
 - (A) The Governor;
 - (B) The Attorney General;
 - (C) The State Board of Education; and
 - (D) All relevant legislative committees.
- (3) The University of Oregon Institute on Violence and Destructive Behavior shall provide staff support to the Center for School Safety board of directors and shall manage the center.
- (4) The Center for School Safety board of directors may seek and accept public and private funds for the center.

339.336. Funding; center for school safety account.

- (1) The University of Oregon may seek and accept contributions of funds and assistance from the United States, its agencies or from any other source, public or private, and agree to conditions thereon not inconsistent with ORS 339.331, 339.333 and 339.339. All such funds are to aid in financing the functions of the Center for School Safety and shall be deposited in the Center for School Safety Account and shall be disbursed for the purpose for which contributed.
- (2) The Center for School Safety Account is established in the General Fund of the State Treasury. Except for moneys otherwise designated by statute, all federal funds or other moneys received by the University of Oregon for the center shall be paid into the State Treasury and credited to the account. All moneys in the account are appropriated continuously to the Higher Education Coordinating Commission for distribution to the University of Oregon and shall be used by the university for the purposes of carrying out ORS 339.331, 339.333 and 339.339.

339.339. Collaboration between center and department of education.

The department of education, in collaboration with the center for school safety, shall:

- (1) Develop recommendations and statewide guidelines designed to improve the learning environment and student achievement and to reduce the dropout rate in the state's public schools.
- (2) Identify successful strategies that are used in Oregon and other states to improve the learning environment and student achievement and to reduce the dropout rate.
- (3) Provide technical assistance to those school districts requesting assistance in reducing the dropout rate.

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.

339.359. Training programs; prevention task forces, programs and other initiatives.

(2) School districts are encouraged to form task forces and to implement programs and other initiatives that are aimed at the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying and that involve school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

336.840. Policies for personal electronic devices; policies for curricula that use technology.

(1) As used in this section, "independent communication" means communication that does not require assistance or interpretation by an individual who is not part of the communication but that may require the use or assistance of an electronic device.

(2) Each district school board shall adopt policies for the use of personal electronic devices in the schools of the school district as provided by this section.

(3) A district school board shall adopt a policy for the use of personal electronic devices that support academic activities and independent communications. The policy must provide that:

(a) Students may be allowed to use personal electronic devices that support academic activities and independent communications.

(b) Unless otherwise specifically prohibited by the policy, students may not be denied the opportunity to use a personal electronic device that supports academic activities and independent communications.

(4) If a school district implements a curriculum that uses technology, the district school board shall adopt a policy that provides that:

(a) Students may be allowed, but are not required, to use their own personal electronic devices for the curriculum.

(b) Students who use their own personal electronic devices for the curriculum must be granted access to any applications or electronic materials that are available to students who do not use their own personal electronic devices for the curriculum.

(c) Students who use their own personal electronic devices for the curriculum must be granted access to applications and electronic materials free of charge if the applications and electronic materials are provided free of charge to students who do not use their own personal electronic devices for the curriculum.

(5) A policy adopted under subsection (3) or (4) of this section must include a process and timeline for responding to a student's request related to the use of a personal electronic device, including an appeals process.

(6) School districts must ensure that the policies adopted under subsection (3) or (4) of this section are made available to:

- (a) School district personnel whose duties may require them to assist students with personal electronic devices; and
 - (b) Students and parents or guardians of students.
- (7) Nothing in the requirements of this section prevents a district school board from prohibiting:
- (a) Telephonic or electronic communications during regular school hours or during school events if the communications are not related to academic activities or independent communications;
 - (b) Communications using access to social media or to nonacademic sites during regular school hours or during school events;
 - (c) The use of personal electronic devices for any purpose that does not support academic activities or independent communications; or
 - (d) The use of personal electronic devices for entertainment purposes.
- (8) Nothing in this section authorizes a district school board, or any employees of or volunteers for the school district or a school of the school district, to request, require or compel access to a student's electronic mail or personal online accounts.

339.270. Assessment of costs of school property damage against responsible student or parents or guardian; notice; action to recover.

- (1) If a school district finds that a student is responsible for damaging school district property, the school district may determine the reasonable cost of repairing or replacing the school district property. If the cost is \$50 or more, the school district may notify the student and the parent or guardian of the student about the cost and may charge the student or the parent or guardian of the student for the cost of repairing or replacing the school district property. If the amount is not paid by the student or the parent or guardian of the student, or if other arrangements have not been made, within 10 days of receiving the notice under this subsection, the amount shall become a debt owed by the student or the parent or guardian of the student.
- (2) If the debt owed to the school district is not paid as demanded, the school district board, in addition to any other remedy provided by law, may bring an action under this section against the student or parent or guardian of the student in a court of competent jurisdiction for the amount owed to the school district plus costs and reasonable attorney fees.

REGULATIONS

No relevant regulations found.

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>		
Every Day 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.	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
Discipline Incidents Collection Manual (May 2019), ODE	Manual providing guidance related to data reporting of discipline incidents.	https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/disciplinecollectionmanual.pdf

Title	Description	Website address (if applicable)
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
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
<i>Other Resources</i>		
2017-18 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/201718DisciplineMediaFile.xlsx
Discipline Flow Chart, Guidance Regarding Discipline of Special Education Students Under IDEA 2004, 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