

Youth, Rights & Justice

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Submitted by Mark McKechnie to House Committee on Education

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House Bill 2192-1: Summary of Amendments Developed by Work Group

The work group's amendments make substantive changes to section 5 of the bill to address guidelines for policies and practices regarding school discipline, suspension and expulsion.

The Dash 1 amendments make these changes or additions:

- ✓ The amended bill **removes additional mandatory expulsion (zero tolerance) language** regarding weapons because it has been poorly understood and inconsistently applied to include items like small pocket knives and toys. This change increases school administrator discretion.
- ✓ The bill **limits expulsion** to conduct that poses a threat to health or safety, repeated behaviors that have not responded to other interventions, and expulsions mandated by law.
- ✓ Adds **additional guidance to school districts** for making decisions about discipline, including:
 - Creating and maintaining a **positive learning environment** for all students;
 - Establishing **clear expectations** for behavior;
 - Using consequences that are designed to **promote positive behavior and correct misconduct**;
 - Providing **opportunities for students to learn from their mistakes**;
 - **Keeping students in class as much as possible** in order to maximize their opportunities to learn;
 - **Taking the student's developmental capacities into account**;
 - Using **discipline that is proportionate** to the offense;
 - **Using research-based interventions** as much as is practicable.
- ✓ Adds a 10-school day limit to complete a mental health risk assessment for a student when the school administrator elects this option. Allows the school to exceed the 10-day limit for good cause.
- ✓ Specifies that school policies are designed to **impose discipline without bias** against students from protected classes.
- ✓ Requires districts to ensure that policies **comply with state and federal laws concerning students with disabilities**.

These provisions in current law remain the same:

- School districts have authority to discipline "refractory" students, including the authority to suspend or expel students.
- The authority to suspend is not limited by the type of infraction.
- The number of days that a student can be suspended or expelled remain the same.
- Oregon's discipline statutes **remain in compliance with federal law** regarding mandatory expulsions (Gun Free Schools Act).
- School districts **retain the existing options for conducting risk assessments** of students.
- The new structure **helps clarify existing requirements that schools consider a student's age and past behavior** prior to imposing suspension or expulsion.

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