

## HOUSE AMENDMENTS TO HOUSE BILL 2192

By COMMITTEE ON EDUCATION

April 17

1 On page 4 of the printed bill, delete lines 24 through 45 and delete pages 5 through 8.

2 On page 9, delete lines 1 through 15 and insert:

3 “**SECTION 5.** ORS 339.250, as amended by section 9, chapter 665, Oregon Laws 2011, and sec-  
4 tion 3 of this 2013 Act, is amended to read:

5 “339.250. (1) Public school students shall comply with rules for the government of such schools,  
6 pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers’ au-  
7 thority.

8 “[*(2) Pursuant to the written policies of a district school board, an individual who is a teacher,*  
9 *administrator, school employee or school volunteer may use reasonable physical force upon a student*  
10 *when and to the extent the application of force is consistent with section 3, chapter 665, Oregon Laws*  
11 *2011. The district school board shall adopt written policies to implement this subsection and shall in-*  
12 *form such individuals of the existence and content of these policies.]*

13 “[*(3) The district school board may authorize the discipline, suspension or expulsion of any*  
14 *refractory student and may suspend or expel any student who assaults or menaces a school employee*  
15 *or another student. The age of a student and the past pattern of behavior of a student shall be con-*  
16 *sidered prior to a suspension or expulsion of a student. As used in this subsection ‘menace’ means by*  
17 *word or conduct the student intentionally attempts to place a school employee or another student in fear*  
18 *of imminent serious physical injury.]*

19 “[*(4)(a) Willful disobedience, willful damage or injury to school property, use of threats, intimid-*  
20 *ation, harassment or coercion against any fellow student or school employee, open defiance of a*  
21 *teacher’s authority or use or display of profane or obscene language is sufficient cause for discipline,*  
22 *suspension or expulsion from school.]*

23 “[*(b) District school boards shall develop policies on managing students who threaten violence or*  
24 *harm in public schools. The policies adopted by a school district shall include staff reporting methods*  
25 *and shall require an administrator to consider:]*

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

28 “[*(B) Placing the student in a setting where the behavior will receive immediate attention, includ-*  
29 *ing, but not limited to, the office of the school principal, vice principal, assistant principal or counselor*  
30 *or a school psychologist licensed by the Teacher Standards and Practices Commission or the office of*  
31 *any licensed mental health professional.]*

32 “[*(C) Requiring the student to be evaluated by a licensed mental health professional before allowing*  
33 *the student to return to the classroom setting.]*

34 “[*(c) The administrator shall notify the parent or legal guardian of the student’s behavior and the*  
35 *school’s response.]*

1       “(d) District school boards may enter into contracts with licensed mental health professionals to  
2 perform the evaluations required under paragraph (b) of this subsection.]

3       “(e) District school boards shall allocate any funds necessary for school districts to implement the  
4 policies adopted under paragraph (b) of this subsection.]

5       “(5) Expulsion of a student shall not extend beyond one calendar year and suspension shall not  
6 extend beyond 10 school days.]

7       “(6)(a) Notwithstanding subsection (5) of this section, a school district shall have a policy that  
8 requires the expulsion from school for a period of not less than one year of any student who is deter-  
9 mined to have:]

10       “(A) Brought a weapon to a school, to school property under the jurisdiction of the district or to  
11 an activity under the jurisdiction of the school district;]

12       “(B) Possessed, concealed or used a weapon in a school or on school property or at an activity  
13 under the jurisdiction of the district; or]

14       “(C) Brought to or possessed, concealed or used a weapon at an interscholastic activity adminis-  
15 tered by a voluntary organization.]

16       “(b) The policy shall allow an exception for courses, programs and activities approved by the  
17 school district that are conducted on school property, including but not limited to hunter safety courses,  
18 Reserve Officer Training Corps programs, weapons-related sports or weapons-related vocational  
19 courses. In addition, the State Board of Education may adopt by rule additional exceptions to be in-  
20 cluded in school district policies.]

21       “(c) The policy shall allow a superintendent to modify the expulsion requirement for a student on  
22 a case-by-case basis.]

23       “(d) The policy shall require a referral to the appropriate law enforcement agency of any student  
24 who is expelled under this subsection.]

25       “(e) For purposes of this subsection, ‘weapon’ includes a:]

26       “(A) ‘Firearm’ as defined in 18 U.S.C. 921;]

27       “(B) ‘Dangerous weapon’ as defined in ORS 161.015; or]

28       “(C) ‘Deadly weapon’ as defined in ORS 161.015.]

29       “(7) The Department of Education shall collect data on any expulsions required pursuant to sub-  
30 section (6) of this section including:]

31       “(a) The name of each school;]

32       “(b) The number of students expelled from each school; and]

33       “(c) The types of weapons involved.]

34       “(8) Notwithstanding ORS 336.010, a school district may require a student to attend school during  
35 nonschool hours as an alternative to suspension.]

36       “(9) Unless a student is under expulsion for an offense that constitutes a violation of a school  
37 district policy adopted pursuant to subsection (6) of this section, a school district board shall consider  
38 and propose to the student prior to expulsion or leaving school, and document to the parent, legal  
39 guardian or person in parental relationship, alternative programs of instruction or instruction com-  
40 bined with counseling for the student that are appropriate and accessible to the student in the following  
41 circumstances:]

42       “(a) When a student is expelled pursuant to subsection (4) of this section;]

43       “(b) Following a second or subsequent occurrence within any three-year period of a severe disci-  
44 plinary problem with a student;]

45       “(c) When it has been determined that a student’s attendance pattern is so erratic that the student

1 is not benefiting from the educational program; or]

2 “[(d) When a parent or legal guardian applies for a student’s exemption from compulsory attend-  
3 ance on a semiannual basis as provided in ORS 339.030 (2).]

4 “[(10) A school district board may consider and propose to a student who is under expulsion or  
5 to a student prior to expulsion for an offense that constitutes a violation of a school district policy  
6 adopted pursuant to subsection (6) of this section, and document to the parent, legal guardian or person  
7 in parental relationship, alternative programs of instruction or instruction combined with counseling  
8 for the student that are appropriate and accessible to the student.]

9 “[(11) Information on alternative programs provided under subsections (9) and (10) of this section  
10 shall be in writing. The information need not be given to the student and the parent, guardian or per-  
11 son in parental relationship more often than once every six months unless the information has changed  
12 because of the availability of new programs.]

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

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

17 **“(A) Willful disobedience;**

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

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

20 **“(D) Use or display of profane or obscene language;**

21 **“(E) Willful damage or injury to school property;**

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

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

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

27 **“(b) Must limit the use of expulsion to the following circumstances:**

28 **“(A) For conduct that poses a threat to the health or safety of students or school em-  
29 ployees;**

30 **“(B) When other strategies to change student conduct have been ineffective; or**

31 **“(C) When the expulsion is required by law.**

32 **“(c) Must require consideration of the age of a student and the past pattern of behavior  
33 of a student prior to imposing the suspension or expulsion of a student.**

34 **“(d) Must be limited so that:**

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

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

37 **“(e) Notwithstanding ORS 336.010, may require a student to attend school during non-  
38 school hours as an alternative to suspension if the total number of hours does not exceed  
39 the equivalent of 10 school days.**

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

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

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

45 **“(c) Establishes procedures to address behavior or circumstances that pose a threat to**

1 the safety of students or employees of the school;

2 “(d) Establishes a system of consequences that are designed to correct student miscon-  
3 duct and promote behavior within acceptable norms; and

4 “(e) Makes the system of consequences known to the school community through the  
5 dissemination of information to students, parents, legal guardians and school district em-  
6 ployees.

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

10 “(a) Staff reporting methods.

11 “(b) Provisions that allow an administrator to consider and implement any of the fol-  
12 lowing options:

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

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

19 “(C) Requiring that a school obtain an evaluation of a student by a licensed mental health  
20 professional before allowing the student to return to the classroom setting. A student who  
21 is removed from the classroom setting for an evaluation may not be removed for more than  
22 10 school days unless the administrator is able to show good cause that an evaluation could  
23 not be completed in that time period. The policy must describe the circumstances under  
24 which the district school board may enter into contracts with licensed mental health pro-  
25 fessionals to perform any evaluations required under this subparagraph.

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

28 “(d) A provision for the allocation of any funds necessary for the school district to im-  
29 plement the policies described in this subsection.

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

32 “(a) Protect students and school employees from harm;

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

34 “(c) Foster positive learning communities;

35 “(d) Keep students in school and attending class;

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

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

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

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

1       “(A) Following a second or subsequent occurrence within any three-year period of a se-  
2 vere disciplinary problem with the student;

3       “(B) When it has been determined that the student’s attendance pattern is so erratic  
4 that the student is not benefiting from the educational program; or

5       “(C) When a parent or legal guardian applies for the student’s exemption from compul-  
6 sory attendance on a semiannual basis as provided in ORS 339.030 (2);

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

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

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

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

20       “(a) Require expulsion from school for a period of not less than one year of any student  
21 who is determined to have:

22       “(A) Brought a firearm to a school, to school property under the jurisdiction of the  
23 school district or to an activity under the jurisdiction of the school district;

24       “(B) Possessed, concealed or used a firearm in a school, on school property under the  
25 jurisdiction of the school district or at an activity under the jurisdiction of the school dis-  
26 trict; or

27       “(C) Brought to or possessed, concealed or used a firearm at an interscholastic activity  
28 administered by a voluntary organization.

29       “(b) Allow exceptions:

30       “(A) For courses, programs and activities approved by the school district that are con-  
31 ducted on school property, including, but not limited to, hunter safety courses, Reserve Of-  
32 ficer Training Corps programs, firearm-related sports or firearm-related vocational courses;  
33 and

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

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

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

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

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

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

4       “(8) Each district school board shall adopt and disseminate written policies for the use  
5 of physical force upon a student. The policies must allow an individual who is a teacher, ad-  
6 ministrator, school employee or school volunteer to use reasonable physical force upon a  
7 student when and to the extent the application of force is consistent with section 3, chapter  
8 665, Oregon Laws 2011.

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

13       “(b) As used in this subsection[,]:

14       “(A) ‘Corporal punishment’ means the willful infliction of, or willfully causing the infliction of,  
15 physical pain on a student.

16       “[(c)] (B) [As used in this subsection,] ‘Corporal punishment’ does not [mean] **include**:

17       “[(A)] (i) The use of physical force authorized by ORS 161.205 for the reasons specified therein;  
18 or

19       “[(B)] (ii) Physical pain or discomfort resulting from or caused by participation in athletic  
20 competition or other such recreational activity, voluntarily engaged in by a student.”.

21       In line 23, delete “(4)(a)(H) or (5)(c)(B)” and insert “(5)(h) or (7)(c)(B)”.

22       In line 45, delete “(7)” and insert “(9)”.

23       On page 11, line 29, delete “(7)” and insert “(9)”.

24       On page 13, line 34, delete “(5)” and insert “(7)”.

25       On page 14, line 13, delete “(4)(a)(H) or (5)(c)(B)” and insert “(5)(h) or (7)(c)(B)”.