

**PROPOSED AMENDMENTS TO
HOUSE BILL 2192**

1 On page 4 of the printed bill, delete lines 24 through 45 and delete pages
2 5 through 8.

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

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

6 “339.250. (1) Public school students shall comply with rules for the gov-
7 ernment of such schools, pursue the prescribed course of study, use the pre-
8 scribed textbooks and submit to the teachers’ authority.

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

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

1 “[(4)(a) Willful disobedience, willful damage or injury to school property,
2 use of threats, intimidation, harassment or coercion against any fellow student
3 or school employee, open defiance of a teacher’s authority or use or display of
4 profane or obscene language is sufficient cause for discipline, suspension or
5 expulsion from school.]

6 “[(b) District school boards shall develop policies on managing students
7 who threaten violence or harm in public schools. The policies adopted by a
8 school district shall include staff reporting methods and shall require an ad-
9 ministrator to consider:]

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

12 “[(B) Placing the student in a setting where the behavior will receive im-
13 mediate attention, including, but not limited to, the office of the school prin-
14 cipal, vice principal, assistant principal or counselor or a school psychologist
15 licensed by the Teacher Standards and Practices Commission or the office of
16 any licensed mental health professional.]

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

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

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

24 “[(e) District school boards shall allocate any funds necessary for school
25 districts to implement the policies adopted under paragraph (b) of this sub-
26 section.]

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

29 “[(6)(a) Notwithstanding subsection (5) of this section, a school district
30 shall have a policy that requires the expulsion from school for a period of not

1 *less than one year of any student who is determined to have:]*

2 *“(A) Brought a weapon to a school, to school property under the jurisdic-*
3 *tion of the district or to an activity under the jurisdiction of the school*
4 *district;]*

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

7 *“(C) Brought to or possessed, concealed or used a weapon at an inter-*
8 *scholastic activity administered by a voluntary organization.]*

9 *“(b) The policy shall allow an exception for courses, programs and activ-*
10 *ities approved by the school district that are conducted on school property, in-*
11 *cluding but not limited to hunter safety courses, Reserve Officer Training*
12 *Corps programs, weapons-related sports or weapons-related vocational courses.*
13 *In addition, the State Board of Education may adopt by rule additional ex-*
14 *ceptions to be included in school district policies.]*

15 *“(c) The policy shall allow a superintendent to modify the expulsion re-*
16 *quirement for a student on a case-by-case basis.]*

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

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

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

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

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

23 *“(7) The Department of Education shall collect data on any expulsions re-*
24 *quired pursuant to subsection (6) of this section including:]*

25 *“(a) The name of each school;]*

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

27 *“(c) The types of weapons involved.]*

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

30 *“(9) Unless a student is under expulsion for an offense that constitutes a*

1 *violation of a school district policy adopted pursuant to subsection (6) of this*
2 *section, a school district board shall consider and propose to the student prior*
3 *to expulsion or leaving school, and document to the parent, legal guardian or*
4 *person in parental relationship, alternative programs of instruction or in-*
5 *struction combined with counseling for the student that are appropriate and*
6 *accessible to the student in the following circumstances:]*

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

9 *“(b) Following a second or subsequent occurrence within any three-year*
10 *period of a severe disciplinary problem with a student;]*

11 *“(c) When it has been determined that a student’s attendance pattern is*
12 *so erratic that the student is not benefiting from the educational program; or]*

13 *“(d) When a parent or legal guardian applies for a student’s exemption*
14 *from compulsory attendance on a semiannual basis as provided in ORS 339.030*
15 *(2).]*

16 *“(10) A school district board may consider and propose to a student who*
17 *is under expulsion or to a student prior to expulsion for an offense that con-*
18 *stitutes a violation of a school district policy adopted pursuant to subsection*
19 *(6) of this section, and document to the parent, legal guardian or person in*
20 *parental relationship, alternative programs of instruction or instruction com-*
21 *bined with counseling for the student that are appropriate and accessible to*
22 *the student.]*

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

28 **“(2) Each district school board shall adopt written policies for the**
29 **discipline, suspension or expulsion of any refractory student. The pol-**
30 **icies:**

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

3 **“(A) Willful disobedience;**

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

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

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

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

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

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

12 **“(H) Intentional attempts, by word or conduct, to place a school**
13 **employee or another student in fear of imminent serious physical in-**
14 **jury.**

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

16 **“(A) For conduct that poses a threat to the health or safety of**
17 **students or school employees;**

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

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

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

24 **“(d) Must be limited so that:**

25 **“(A) The duration of an expulsion may not be more than one cal-**
26 **endar year.**

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

29 **“(e) Notwithstanding ORS 336.010, may require a student to attend**
30 **school during nonschool hours as an alternative to suspension if the**

1 total number of hours does not exceed the equivalent of 10 school days.

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

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

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

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

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

14 “(e) Makes the system of consequences known to the school com-
15 munity through the dissemination of information to students, parents,
16 legal guardians and school district employees.

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

21 “(a) Staff reporting methods.

22 “(b) Provisions that allow an administrator to consider and imple-
23 ment any of the following options:

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

27 “(B) Placing the student in a setting where the behavior will receive
28 immediate attention, including, but not limited to, the office of the
29 school principal, vice principal, assistant principal, counselor or a
30 school psychologist licensed by the Teacher Standards and Practices

1 Commission or the office of any licensed mental health professional.

2 “(C) Requiring that a school obtain an evaluation of a student by
3 a licensed mental health professional before allowing the student to
4 return to the classroom setting. A student who is removed from the
5 classroom setting for an evaluation may not be removed for more than
6 10 school days unless the administrator is able to show good cause that
7 an evaluation could not be completed in that time period. The policy
8 must describe the circumstances under which the district school board
9 may enter into contracts with licensed mental health professionals to
10 perform any evaluations required under this subparagraph.

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

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

16 “(5) In establishing and enforcing discipline, suspension and expul-
17 sion policies, a district school board shall ensure that the policy is
18 designed to:

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

20 “(b) Provide opportunities for students to learn from their mis-
21 takes;

22 “(c) Foster positive learning communities;

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

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

26 “(f) Implement a graduated set of age-appropriate responses to
27 misconduct that are fair, nondiscriminatory and proportionate in re-
28 lation to each student’s individual conduct;

29 “(g) Employ a range of strategies for prevention, intervention and
30 discipline that take into account a student’s developmental capacities

1 and that are proportionate to the degree and severity of the student's
2 misbehavior;

3 “(h) Propose, prior to a student's expulsion or leaving school, al-
4 ternative programs of instruction or instruction combined with coun-
5 seling for the student that are appropriate and accessible to the
6 student in the following circumstances:

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

9 “(B) When it has been determined that the student's attendance
10 pattern is so erratic that the student is not benefiting from the edu-
11 cational program; or

12 “(C) When a parent or legal guardian applies for the student's ex-
13 emption from compulsory attendance on a semiannual basis as pro-
14 vided in ORS 339.030 (2);

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

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

21 “(6) Except for policies adopted under subsection (7) of this section,
22 any policies adopted under this section must provide for the dissem-
23 ination of information about alternative programs of instruction or
24 instruction combined with counseling, as described in subsection (5)(h)
25 of this section, in writing to the student and the parent, legal guardian
26 or person in parental relationship with the student at least once every
27 six months, unless the information has changed because of the avail-
28 ability of new programs.

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

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

3 “(A) Brought a firearm to a school, to school property under the
4 jurisdiction of the school district or to an activity under the jurisdic-
5 tion of the school district;

6 “(B) Possessed, concealed or used a firearm in a school, on school
7 property under the jurisdiction of the school district or at an activity
8 under the jurisdiction of the school district; or

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

11 “(b) Allow exceptions:

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

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

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

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

22 “(B) Propose alternative programs of instruction or instruction
23 combined with counseling for a student that are appropriate and ac-
24 cessible to the student. If alternative programs are appropriate for a
25 student, the superintendent shall ensure that information about pro-
26 grams of instruction or instruction combined with counseling is pro-
27 vided in writing to the student and the parent, legal guardian or
28 person in parental relationship with the student at least once every
29 six months, or at any time the information changes because of the
30 availability of new programs.

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

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

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

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

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

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

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

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

24 “[(B)] (ii) Physical pain or discomfort resulting from or caused by par-
25 ticipation in athletic competition or other such recreational activity, volun-
26 tarily engaged in by a student.”.

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

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

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

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

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

3
