

**PROPOSED AMENDMENTS TO
SENATE BILL 553**

1 On page 1 of the printed bill, delete lines 5 through 31 and delete pages
2 2 and 3.

3 On page 4, delete lines 1 through 36 and insert:

4 **“SECTION 1.** ORS 339.250 is amended to read:

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

8 “(2) Each district school board shall adopt written policies for the disci-
9 pline, suspension or expulsion of any refractory student. The policies:

10 “(a) May allow discipline, suspension or expulsion for conduct that in-
11 cludes, but is not limited to:

12 “(A) Willful disobedience;

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

14 “(C) Possession or distribution of tobacco, alcohol, drugs or other con-
15 trolled substances;

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

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

18 “(F) Use of threats, intimidation, harassment or coercion against a stu-
19 dent or a school employee;

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

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

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

4 “[(b)] (c) Must limit the use of expulsion to the following circumstances:

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

7 “(B) When other strategies to change student conduct have been ineffec-
8 tive; or

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

10 “[(c) *Must require consideration of the age of a student and the past pattern*
11 *of behavior of a student prior to imposing the suspension or expulsion of a*
12 *student.*]

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

17 **“(A) For nonaccidental conduct causing serious physical harm to a**
18 **student or school employee;**

19 **“(B) When a school administrator determines, based upon the**
20 **administrator’s observation or upon a report from a school employee,**
21 **that the student’s conduct poses a direct threat to the health or safety**
22 **of students or school employees; or**

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

24 **“(e) When an out-of-school suspension is imposed as provided under**
25 **paragraph (d) of this subsection, must require the school district to**
26 **take steps to prevent the recurrence of the behavior that led to the**
27 **out-of-school suspension and return the student to a classroom setting**
28 **so that the disruption of the student’s academic instruction is mini-**
29 **mized.**

30 “[(d)] (f) Must be limited so that:

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

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

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

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

10 “(a) Defines and helps create a learning environment that students re-
11 spect;

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

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

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

18 “(e) Makes the system of consequences known to the school community
19 through the dissemination of information to students, parents, legal guardi-
20 ans and school district employees.

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

25 “(a) Staff reporting methods.

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

28 “(A) Immediately removing from the classroom setting any student who
29 has threatened to injure another person or to severely damage school prop-
30 erty.

1 “(B) Placing the student in a setting where the behavior will receive im-
2 mediate attention, including, but not limited to, the office of the school
3 principal, vice principal, assistant principal, counselor or a school psychol-
4 ogist licensed by the Teacher Standards and Practices Commission or the
5 office of any licensed mental health professional.

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

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

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

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

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

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

24 “(c) Foster positive learning communities;

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

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

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

1 “(g) Employ a range of strategies for prevention, intervention and disci-
2 pline that take into account a student’s developmental capacities and that
3 are proportionate to the degree and severity of the student’s misbehavior;

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

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

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

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

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

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

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

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

30 “(a) Require expulsion from school for a period of not less than one year

1 of any student who is determined to have:

2 “(A) Brought a firearm to a school, to school property under the juris-
3 diction of the school district or to an activity under the jurisdiction of the
4 school district;

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

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

10 “(b) Allow exceptions:

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

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

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

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

19 “(B) Propose alternative programs of instruction or instruction combined
20 with counseling for a student that are appropriate and accessible to the
21 student. If alternative programs are appropriate for a student, the super-
22 intendent shall ensure that information about programs of instruction or
23 instruction combined with counseling is provided in writing to the student
24 and the parent, legal guardian or person in parental relationship with the
25 student at least once every six months, or at any time the information
26 changes because of the availability of new programs.

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

29 “(e) Require an annual reporting to the Department of Education of the
30 name of each school that had an expulsion under this subsection and the

1 number of students expelled from each school.

2 “(8) Each district school board shall adopt and disseminate written poli-
3 cies for the use of physical force upon a student. The policies must allow an
4 individual who is a teacher, administrator, school employee or school vol-
5 unteer to use reasonable physical force upon a student when and to the ex-
6 tent the application of force is consistent with ORS 339.291.

7 “(9)(a) The authority to discipline a student does not authorize the in-
8 fliction of corporal punishment. Every resolution, bylaw, rule, ordinance or
9 other act of a district school board, a public charter school or the Depart-
10 ment of Education that permits or authorizes the infliction of corporal pun-
11 ishment upon a student is void and unenforceable.

12 “(b) As used in this subsection:

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

15 “(B) ‘Corporal punishment’ does not include:

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

18 “(ii) Physical pain or discomfort resulting from or caused by participation
19 in athletic competition or other such recreational activity, voluntarily en-
20 gaged in by a student.

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

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

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

28 In line 37, after “339.250” insert “by section 1 of this 2015 Act”.

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