

Youth, Rights & Justice

ATTORNEYS AT LAW

HB 2192 was passed with unanimous votes in the Oregon House and Senate in 2013. These provisions will go into effect July 1, 2014:

- ✓ Removes 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.
- ✓ 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:
 - Using discipline that is proportionate to the offense;
 - Taking the student's developmental capacities into account;
 - Keeping students in class as much as possible in order to maximize their opportunities to learn;
 - Providing opportunities for students to learn from their mistakes;
 - Establishing clear expectations for behavior;
 - Creating and maintaining a positive learning environment for all students;
 - Using consequences that are designed to promote positive behavior and correct misconduct;
 - 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 will 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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