

BEND-LA PINE SCHOOLS

Administrative School District No. 1

Deschutes County, Oregon

ADMINISTRATIVE POLICY

Name: Student Conduct and Discipline

Section: Students

Code: JG-AP

A primary purpose of the district is to provide a suitable educational environment for students of the district. Students shall pursue their prescribed course of study, comply with written rules of the district, submit to the lawful authority of teachers and district officials and conduct themselves in an orderly fashion.

POLICY GOALS

This Board policy is designed to:

1. Protect students and school employees from harm;
2. Provide opportunities for students to learn from their mistakes;
3. Foster positive learning environments;
4. Keep students in school and attending class;
5. Impose disciplinary sanctions without bias against students from a protected class, as defined in ORS 339.351;
6. Implement a graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to each student's individual conduct;
7. Employ a range of strategies for prevention, intervention and discipline that take into account a student's developmental capacities and that are proportionate to the degree and severity of the student's misbehavior;
8. Propose, prior to a student's expulsion, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:
 - a. Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student
 - b. When it has been determined that the student's attendance pattern is so erratic that the student is not benefiting from the educational program; or
 - c. When a parent or legal guardian applies for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030(2);
9. To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and
10. Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.

MISCONDUCT GIVING RISE TO DISCIPLINE

Students shall be liable to discipline, suspension or expulsion for conduct that includes, but is not limited to:

1. Willful disobedience;
2. Open defiance of the authority of a school employee;

3. Possession or distribution of tobacco, alcohol, drugs and other controlled substances;
4. Use or display of profane or obscene language;
5. Willful damage or injury to school property;
6. Use of threats, intimidation, harassment or coercion against a student or a school employee as defined in Policy JBA / GBN;
7. Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.
8. Assault of a school employee or another student;
9. Possession or use of firearm or other weapon.

Various disciplinary procedures shall be used by district personnel to correct behavioral problems. Examples include, but are not limited to, reprimands, conferences, detention and denial of participation in co-curricular and extracurricular activities. Titles and/or privileges available to or granted to students maybe denied and/or revoked (e.g., valedictorian, salutatorian, student body, class or club office positions, field trips, senior trip, prom, graduation etc.).

A student code of conduct, developed under the leadership of the district administration, and in cooperation with staff, will be made available to parents and students and enforced in the school.

Individual school regulations that are not covered in the student code of conduct will be submitted in written form to the Superintendent for approval before such regulations are imposed on the students. Any revisions of the student code of conduct will be made with the full knowledge of the Superintendent. The student code of conduct is hereby incorporated into this policy by reference.

All district disciplinary procedures shall be consistent with Oregon law. District disciplinary procedures for students who are qualified to receive special education services shall comply with applicable federal and state student disability laws.

The use of physical restraint and/or seclusion is only permitted as a part of a behavioral support plan when other less restrictive interventions would not be effective and the student's behavior poses a reasonable threat of imminent, serious bodily injury to the student or others. Physical restraint or seclusion may not be used for discipline, punishment, or for the convenience of district staff. The use of mechanical, chemical, or prone restraint on a student is prohibited.

SCHOOL DISCIPLINE: PROBATION AND SUSPENSION

1. SCHOOL PROBATION

School probation may include detention and/or punishment deemed suitable by the school official. School probation may remove from the student the privilege of attending or participating in co-curricular activities and athletic events and non-curricular programs of the school.

School probation may be applied for as long as one calendar year. While on school probation, the student must comply with all the conditions of that probation. Failure to comply with conditions of probation is cause for a discipline hearing on the alleged violation of a term of probation.

Prior to being placed on school probation, the student shall be given an informal hearing by the school official. At the hearing:

- a. The student shall be told of the reason(s) for the pending action; and,
- b. The student shall have the opportunity to present his/her view of the alleged misconduct.

When a student is placed on school probation, the school official shall give written notice to the parent(s) or guardian(s) of the student, or the student if age 18 or over, of the school official's decision, the reason for that decision and the terms of the school probation.

A student placed on school probation may be referred for school counseling services. The Multi-Disciplinary Team shall be a resource to counseling efforts for a student with disabilities who has been placed on probation.

2. IN-SCHOOL SUSPENSION (COMMONLY REFERRED TO AS "ISS")

In-school suspension temporarily removes a student from attending his/her regular classes and school activities until reinstatement has been accomplished or some other form of action is taken. An in-school suspension may be sanctioned by a school principal or designee as follows:

- a. After the student is notified of the reason(s) for the action and is given opportunity to present his/her view of the alleged misconduct, the ISS may be imposed.
- b. Following the ISS, the suspending school official shall give written notice to the student's parent(s) or guardian(s), or to the student if age 18 or over, of the ISS decision and the reason(s) for the decision.
- c. The suspending school official shall specify the methods and conditions under which the student's schoolwork may be made up.

3. OUT-OF-SCHOOL SUSPENSION (COMMONLY REFERRED TO AS "SUSPENSION")

Out-of-school suspension temporarily removes from a student the privilege of attending school and all school activities until reinstatement has been accomplished or some other form of action is taken. Suspensions are made by the principal or his/her designee and are not to exceed ten (10) school days. In making a decision whether to place a student on suspension, the principal or designee must consider the age of the student and the past pattern of behavior by the student.

When a student is suspended:

- a. The student is to be notified of the reason(s) for the suspension and be given opportunity to present his/her view of the alleged misconduct.
- b. The informal hearing may be postponed in emergency situations relating to health and safety and when there is a serious risk that substantial harm will occur if suspension does not take place immediately. A student suspended under emergency conditions shall have the rights specified above, as soon as the emergency condition has passed.
- c. The suspending school official shall give written notice to the student's parent(s) or guardian(s), or to the student if age 18 or over, of the suspension decision, the reason for the decision, the conditions for reinstatement and appeal procedures, where applicable.

These procedures may also be postponed in emergency situations relating to health and safety.

- d. The suspending school official shall specify the methods and conditions under which the student's school work may be made up.
- e. A parent/guardian conference with the suspending school official regarding the student's behavior may be required prior to the student being readmitted. When the suspension is the result of misconduct in the classroom, the teacher involved shall be informed of the disciplinary action taken and be given the opportunity to attend all parent/guardian conferences.
- f. In the event the student or parent(s) or guardian(s) are dissatisfied with the suspension decision or the results of a parent/guardian conference they may seek and obtain a conference with the school principal. If the parent(s)/guardian(s) are dissatisfied with the suspension decision after a conference with the principal, they may request the Superintendent's review of the decision, in writing, within 10 calendar days to assure due process was provided and to assure the discipline is consistent with Oregon law and Board policy. The Superintendent's review shall be limited to the record. A new hearing shall not be provided. The Superintendent's review shall be final and may not be appealed to the School Board.
- g. Upon return to school, the student may be referred to a school counselor. The multi-disciplinary team shall be a resource to counseling efforts for a student with disabilities who has been suspended.
- h. In special circumstances, a suspension may be continued until some specific pending event occurs, such as a physical or mental examination or incarceration by court action.

A school official may apply more than one of the above-described discipline measures on the same student for the same misconduct.

EXPULSION

Expulsion is exclusion from the regular school program and all school activities. Expulsion shall not extend beyond one calendar year.

1. GROUNDS

A student may be expelled only when the student's conduct poses a threat to the health or safety of students or school employees, when other strategies to change student conduct have been ineffective, or when expulsion is required by law. In making a decision whether to expel a student, the district must consider the age of the student and the past pattern of behavior by the student.

Notwithstanding the above, expulsion is mandatory and shall be implemented under the terms of Board policy JFCJ in the following circumstances:

- a. When a student is determined to have brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;
- b. When a student is determined to have possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or

- c. When a student is determined to have brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.

2. NOTICE REQUIREMENTS

When a student is recommended for expulsion, a hearing shall be provided. Notice of the hearing to the student and to the parent(s) or guardian(s) shall be made by certified mail or hand delivered by personal service. Where notice is made by mail, the notice shall be sent Certified Mail Return Receipt Requested and mailed at least five (5) calendar days before the date of the hearing. Personal service of notice shall be at least five (5) calendar days before the date of the hearing and the person giving the notice shall file a return of service. The school official and the parent(s) or guardian(s) of the student, or the student if age 18 or over, may mutually agree to waive the above defined notice period and schedule a hearing at an earlier date.

- a. The notice shall state the specific charge or charges being made by the school, a statement of intent to consider the charges as reason for expulsion and the date, time and location of the hearing.
- b. The parent(s) or guardian(s) of the student, or the student if age 18 or over, may waive the right to a hearing by notifying the district in writing of such waiver, or by failing to appear after notice at the time, date and place set for the hearing. The parent(s) or guardian(s) of the student, or the student if age 18 or over, may make a request prior to the hearing date and time to have the hearing rescheduled. The district may in its sole discretion comply with such request.

3. EXPULSION HEARING

The hearings officer shall conduct expulsion hearings for the Board in accordance with the applicable Oregon Revised statutes, specifically ORS 332.061 and Oregon Administrative Rules.

At the hearing:

- a. The student may be represented by counsel or other persons.
- b. The student shall be permitted to be present and hear the evidence presented on behalf of the district.
- c. The student shall be permitted to introduce evidence by testimony, writings or other exhibits.
- d. Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearing officer's control of the meeting.
- e. The hearings officer or the student may make a record of the hearing. The District will request that the Hearings Officer tape record the hearing, but the unavailability of the audio tape due to a malfunction or loss shall not invalidate the hearing.
- f. An interpreter shall be provided by the school district in cases where the student or student's parent(s) or guardian(s) do not understand the spoken English language.

The hearings officer will determine the facts of each case on the evidence provided at the hearing and submit written findings and a recommendation for disciplinary action to the Superintendent.

The decision of the Superintendent shall be final, except as noted below. The decision shall be made in writing to the student and to the parent(s) or guardian(s) of the student. The action of the Superintendent may be:

- a. No action, the student may immediately return to school;
- b. A type of discipline especially suited to the offense;
- c. Administrative probation (as defined above), which may be applied for as long as the rest of the semester in which the probation notice is given, or when so close to the end of a semester that it would not be effective, for as long as the entire semester following the probation notice. While on administrative probation, the student must comply with the terms of that probation. Failure to comply with all rules set out in the conditions for probation is cause for a discipline hearing on the alleged violation;
- d. Expulsion, as defined, above. Prior to the expulsion the Superintendent or designee shall consider and propose to the student and document to the parent, in writing, appropriate and accessible alternative programs of instruction or instruction combined with counseling. This information and notice of alternative education programs shall be included with the written expulsion order and delivered to the student and his/her parent(s) or guardian(s).
- e. A combination of the discipline options set forth above.

4. BOARD REVIEW AND APPEALS

The Board reserves the right to review any and all decisions regarding expulsions made on its behalf by the Superintendent.

The parent(s) and guardian(s), or the student if age 18 or over, shall have the right to appeal an expulsion decision made by the Superintendent for review by the Board. The request for appeal shall be made in writing and delivered to the Superintendent's office within 10 calendar days of the decision. The Board shall give notice of the hearing to the appellant within the timelines as provided in Section 2 above, above, and shall conduct the hearing as provided in Section 3 above. In addition:

- a. The Board shall be provided findings as to the facts and the decision of the Hearings Officer. This material shall be made available at the same time to the parent or guardian and to the student, if age 18 or over.
- b. The Board review shall be only on the "written record". The "written record" includes all evidence and documentation in the student's hearing file.
- c. A new evidentiary hearing will not be held.
- d. At the discretion of the Board, the Board may allow the student/parent and the school representatives to present arguments.
- e. After a review of the "written record", the Board may ask questions of the student/parent and the school representatives.
- f. The Board will conduct the review in executive session and will inform the parents/student of its decision in writing.

The Board will affirm, modify or rescind the decision of the Superintendent. The decision of the Board shall be final.

Upon return to school, the student will be placed in a grade, level or class commensurate with his/her abilities and credits at the time of his/her return.

ALTERNATIVE PROGRAMS

Except for expulsion for a violation of the Board policy on firearms, prior to a student's expulsion or leaving school, the school administrator shall disseminate written information about alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student and the parent, legal guardian or person in parental relationship with the student in the following circumstances at least once every six months:

- a. Following a second or subsequent occurrence within any three year period of a severe disciplinary problem with the student;
- b. When it has been determined that the student's attendance pattern is so erratic that the student is not benefiting from the educational program; or
- c. When a parent or legal guardian applies for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030(2).

The notice of alternative programs provided under this section shall be delivered by personal service or certified mail to the parent or guardian and student. When the parent or guardian's language is other than English, the district must provide the notice in a manner that the parent or guardian can understand. The notice must include the following information:

- a. The student conduct which is the basis for consideration of alternative education;
- b. A list of alternative programs available to the student for which the district would provide financial support in accordance with ORS 339.620, except that when notice is given after a parent or guardian applies for the student's exemption from compulsory attendance the district is not obligated to provide financial support;
- c. The program recommended for the student based on the student's learning styles and needs;
- d. The procedures for enrolling the student in the recommended programs.

Legal Reference(s):

ORS 339.240

ORS 339.250

ORS 659.850

OAR 581-021-0050 to -0075

Hazelwood Sch. District v. Kuhlmeier, 484 U.S. 260 (1988).

Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

Shorb v. Grotting and Powers Sch. Dist., Case No. 00CV-0255 (Coos County Circuit Ct.) (2000).

Ferguson v. Phoenix Talent Sch. Dist. #4, 172 Or. App. 389 (2001).

No Child Left Behind Act of 2001, 20 U.S.C. § 7912 (2006).

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