

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

Title/OAR #: Adoption—Changes to Oregon’s School Discipline Statute Regarding Expulsion & Truancy/
OAR 581-021-0070

Date: December 10, 2015

Staff/Office: John English-Student Services and Sarah Drinkwater-Student Services

New Rule **Amend Existing Rule** **Repeal Rule**

Hearing Date: 11/23/15 **Hearings Officer Report Attached**

Prompted by: **State law changes** **Federal law changes** **Other**

Action Requested:

First Reading/Second Reading **Adoption** **Adoption/Consent Agenda**

PROPOSED/AMENDED RULE SUMMARY:

Revises OAR 581-021-0070 to reflect recent changes to state law prohibiting the use of expulsion to address truancy.

BACKGROUND:

State and national data reveal an increased reliance on use of exclusionary discipline (i.e., out-of-school suspension and expulsion) under “zero tolerance” school discipline policies. In response, Oregon’s school discipline statute has been significantly revised in the last two years (HB 2912 in 2013 regular session; SB 553 & SB 556 in 2015 regular session). In general, the legislative changes represent a move away from punitive “zero tolerance” school discipline policies to those that focus on correcting behavior while striving to keep students in school. SB 553 creates additional limitations for suspension or expulsion of students 5th grade or younger. SB 556 adds to this general legislative scheme by prohibiting the use of expulsion to address truancy. This proposed OAR revision seeks to incorporate those statutory provisions into administrative rule.

Choices available to the board include:

- 1) opting not to promulgate an administrative regulation for SB 553 or 556, allowing the statute to speak for itself;
- 2) incorporating the statutory language verbatim into regulation.

Recommendation: Option 2-incorporate the statutory language verbatim into regulation. This will ensure consistency throughout the statutory/regulatory scheme.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:**CHANGED SINCE LAST BOARD MEETING?**

- N/A; first read—hasn’t been before board
 No; same as last month
 Yes – As follows:

FISCAL IMPACT:

This proposal incorporates statutory language into rule verbatim. Districts are prohibited from using expulsion to address truancy, and have limitations imposed on suspension/expulsion for younger students. In response, districts may increase their outreach and support efforts to truant students. Cost is difficult to quantify at this juncture.

EFFECT OF YES VOTE:

With board approval, the regulation for expulsion will align with and mirror state statute.

EFFECT OF NO VOTE:

If the board chooses not to approve rule modification, districts/schools will be required to rely on state statute for guidance.

STAFF RECOMMENDATION:

- Adopt administrative rule as prepared this month
- Adopt administrative rule next month
- No recommendation at this time (rarely used)