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581-021-0065

Suspension

(1) Students may be suspended when such suspension contains within its procedures the elements of prior notice (OAR 581-021-0075), specification of charges, and an opportunity for the student to present his or her view of the alleged misconduct. The suspending official shall notify the student's parent or guardian of the suspension, the conditions for reinstatement, and appeal procedures, where applicable. These procedures may be postponed in emergency situations relating to health and safety.

(2) Emergency situations shall be limited to those instances where there is a serious risk that substantial harm will occur if suspension does not take place immediately.

(3) School district boards shall provide students suspended under emergency conditions with the rights outlined in section (1) of this rule as soon as the emergency condition has passed.

(4) In all suspensions ordered by the executive officer of the school district or designated representative, the district school board shall have the right of final review if the action is not taken by the school board itself.

(5) School district boards shall limit suspension to a specific maximum number of days. That maximum shall not exceed ten school days.

(6) School district boards shall adopt policies that require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student. For students in fifth grade or lower, the policies must limit the use of out-of-school suspension to the following circumstances:

(a) for non-accidental conduct causing serious physical harm to a student or school employee;

(b) when a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or

(c) when the suspension or expulsion is required by law

(7) When an out of school suspension is imposed for a student who is fifth grade or younger, district policies must require schools to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a

classroom setting so that the disruption of the student's academic instruction is minimized.

(86) School district boards or designated representatives shall specify the methods and conditions, if any, under which the student's school work can be made up. Students shall be allowed to make up school work upon their return from the suspension if that work reflects achievement over a greater period of time than the length of the suspension. For example, the students shall be allowed to make up final, mid-term, and unit examinations, without an academic penalty, but it is within the districts' discretion as to whether the students may be allowed to make up daily assignments, laboratory experiments, class discussions or presentations.

(97) In special circumstances a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, or incarceration by court action.

Stat. Auth.: ORS 339.240

Stats. Implemented: ORS 339.240, ORS 339.250 & ORS 339.260