

Executive Numbered Memo 002-2014-15 - House Bill 2192-School Discipline

To: All School Superintendents and Special Education Directors
From: Sarah Drinkwater, Assistant Superintendent, Office of Learning
Re: House Bill 2192-School Discipline

Summary

House Bill 2192 revises Oregon's school discipline code and requires school boards and districts to develop and implement policies and practices that focus on reducing unnecessary suspensions and expulsions. The law places limits on expulsions and removes the mandatory expulsion language regarding "weapons."

Background

Exclusionary school discipline practices have a disproportionate effect on students of color and students with disabilities. This problem is well documented at both the national and state level. Reducing unnecessary suspension and expulsion in Oregon public schools is a critical step to closing the achievement gap and aligns with ODE's strategic plan, the Oregon Education Investment Board's equity policy, and the state's 40-40-20 goal.

To this end, House Bill 2192 was passed in the 2013 legislative session, and ORS 339.250 took effect July 1, 2014. HB 2192 revises Oregon's school discipline code and requires school boards and districts to develop and implement policies and practices that focus on reducing unnecessary suspensions and expulsions. To assist in this effort, the Oregon Department of Education convened an interagency task force on school discipline—the Oregon School Discipline Advisory Council (OSDAC). OSDAC's ultimate goal is to promote the implementation of 2192 by supporting best practice in school discipline. Particular focus is placed on reducing unnecessary use of suspension and expulsion for students of color and students with disabilities. OSDAC provides policy guidance at the state and local level and professional development in best practice for education administrators and practitioners.

Key provisions of HB 2192 are summarized below:

- Removes mandatory expulsion (zero tolerance) language regarding "weapons," replacing instead with "firearms" to ensure consistency with the Gun Free Schools Act (GFSA). ORS 339.250(7); 18 USC § 921.
Note: both GFSA and 2192 provide the superintendent of a district discretion to "modify the expulsion requirement for a student on a case by case basis." 20 USC § 7151(b)(1); ORS 339.250(7)(c)(A).
- Limits expulsion to the following circumstances:
 - For conduct that 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 the expulsion is required by law. ORS 339.250(2)(b)(A-C).
- Requires school boards to adopt written policies for managing students who threaten violence or harm. The policies must include:
Provisions that allow administrators to consider and implement any of the following options:
 - Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property;
 - Placing the student in a setting where the behavior will receive immediate attention;
 - Requiring that a school obtain an evaluation of students by a licensed mental health professional before allowing the student to return to the classroom setting. ORS 339.250(4)(b)(A-C).
- Requires districts to develop a student handbook, code of conduct, or other document that defines a respectful learning environment, acceptable behavior, and procedures for addressing challenging behavior by promoting positive alternative behavior. ORS 339.250(3)(a-e).

- Requires school boards to ensure that school discipline policies:
 - Protect students & staff from harm
 - Provide opportunities to learn from mistakes
 - Foster positive learning communities
 - Keep students in school
 - Impose discipline without bias against students from protected classes
 - Respond to misconduct in a manner that is fair, nondiscriminatory, and proportional
 - Take the student's developmental level into account
 - Propose alternative programs of instruction where appropriate using evidence based approaches
 - Ensure compliance with federal and state law concerning students with disabilities ORS 339.250(5)(a-j)

HB 2192 poses an opportunity for equity leadership in both policy and practice. Administrators should carefully review the requirements of HB 2192 and work with staff in their districts to implement its provisions. In addition to meeting existing data reporting requirements, leaders should engage in a regular review of discipline data at the district and school level and support professional development focused on alternative discipline practices for all school personnel.

The enrolled bill can be viewed

here: <https://olis.leg.state.or.us/liz/2013R1/Measures/Overview/HB2192>

The statute can be viewed

here: https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors339.html