

Remember

Discipline should support students in staying engaged at school—not push them out. Use a continuum of strategies that align with both developmental needs and legal requirements. For full details, see [ORS 339.250](#) – Duty to Comply.

Important Note

This guidance is informational in nature and does not constitute legal advice. School districts are encouraged to consult with their legal counsel to fully understand their obligations under state and federal law.

Legal Requirement: Adopt Written Discipline Policies

Every district **must** have written policies addressing discipline, suspension, and expulsion, as well as threats of violence or harm, firearms and the use of physical force. These policies must be clearly outlined in your student handbook/code of conduct and enforced consistently.

Discipline Must

- ✓ Be free of bias against protected classes ([ORS 339.351](#)).
- ✓ Provide options for continued instruction.
- ✓ Use evidence-based, developmentally appropriate strategies.
- ✓ Include graduated responses to misconduct.
- ✓ Be transparent to families, students, and staff.

Key Discipline Decision-Making Principles

No exclusion for truancy

All Students: Discipline must be age-appropriate, nondiscriminatory, and proportionate to the behavior.

- Prior to suspension/expulsion, consider the student’s age and past behavior patterns.
- Discipline policies must promote positive school communities, and
 - Keeping students in class
 - Using alternatives to exclusion
 - Prioritize student safety
 - Learning from mistakes
 - Compliance with special education laws

Special Protections for Early Elementary (5th Grade & Below)

Out-of-school suspension or expulsion is **only allowed** when:

1. **Intentional non-accidental behavior causes serious physical harm** to another student or staff.
2. The student’s behavior poses a **direct threat to health or safety**, or
3. Required by **law** (firearms).

If out-of-school suspension or expulsion is used, the school **must** take action to **prevent recurrence**, and ensure the child returns to class **with minimal academic disruption**.

Firearms Policy (Federal & State Mandated)

- Mandatory 1-year expulsion for students who bring/possess/use firearms at school or school events.
- Superintendents may modify these expulsions on a case-by-case basis.
- Must refer to law enforcement and report annually to ODE.

Threats of Violence or Harm

Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies shall include staff reporting methods.

The policies must also include provisions that allow an administrator to consider and implement any of the following options:

- Immediately remove from class any student who threatens to injure another person or severely damage school property.
- Place the student in a setting for immediate behavioral attention, such as (but not limited to) the office of the principal, vice principal, assistant principal, counselor, school psychologist (licensed by TSPC), or any licensed mental health professional.
- Require a mental health evaluation before the student returns to class.
 - A student removed for evaluation may not be out more than 10 school days unless good cause is shown that the evaluation could not be completed.
 - The policy must describe when the district may contract with licensed mental health professionals to perform any evaluations.
- Require that an administrator provide to the parent or legal guardian of the student notification that describes the student's behavior and the school's response.
- Allocate necessary funds for implementation of these policies.

Reminders

- Corporal punishment is prohibited in Oregon.
 - Physical force may only be used per ORS 339.285–339.303 (restraint/seclusion).
- Expulsion Maximum duration: 1 calendar year.
- Suspension Maximum duration: 10 school days.

Oregon Department of Education School Discipline Resources

Available on the [ODE School Discipline webpage](#):

- [Addressing Informal Removals of Students Experiencing Disability: A Guide for ESD, District, and School Personnel and IEP Teams](#)
 - [Annual Calendar of Activities to Address Informal Removals](#)
 - [Counting Disciplinary Removals](#)
 - [Examples and Non-Examples of Informal Removals](#)
 - [Examples of Behavioral Interventions within an MTSS](#)
 - [Phased Guiding Questions for Principals to Address Informal Removals](#)
 - [Resources for Schools to Use in Addressing Exclusionary Discipline, Including Informal Removals](#)
 - [Understanding and Addressing Ableism in Schools](#)
 - [Understanding the Complexity of Student Behavior: An Empathetic Approach](#)
- [Manifestation Determinations as a Tool for Support: A Guide for Teams, School Administrators, and Educators](#)
- [Re-Engaging with Success After an Exclusionary Discipline Event](#)
- [Discipline Flow Chart: discipline chart for special education students under IDEA](#)