

## School Safety Guidance “A Holistic Perspective”

January 2016

---

School safety encompasses a broad range of issues. The Oregon Department of Education (ODE) provides guidance and technical assistance to schools in developing policies and procedures to ensure safety for the entire school community. The purpose of this document is to provide readers with a general overview of key school safety areas along with references for obtaining more detailed information. Topics addressed in this document include support for schools to develop proactive positive school climates, the management of student misconduct, firearms, threats, criminal history and background checks, evacuation drills, abuse reporting, and school safety plans. Oregon has extensive laws, rules, and procedures that apply in these scenarios. References to relevant laws and regulations are provided via endnotes at the conclusion of this section, and a sequential list with electronic links is included in appendix A.

### **The Role of the Oregon Department of Education**

ODE is strongly committed to fostering school environments that are safe, equitable, and positive for all students. Upon request, ODE can provide consultation and technical assistance to districts, parents, students, and community and state partners in this area.

With support from the U.S. Department of Education, ODE has promoted the Effective Behavioral & Instructional Support System (EBISS). EBISS is a tiered system of interventions for academics and behavior designed to assist schools in addressing the needs of all students. Oregon’s EBISS project provides assistance, to school districts to develop positive school climates that facilitate learning. Educators working together in teams to develop positive behavior interventions and supports have been shown to reduce incidents of misbehavior and promote more positive school climates.

Restorative practices is another promising concept that has emerged nationwide and in Oregon. This involves applying the philosophy and principles of restorative justice (an approach used successfully in the criminal justice system) to schools. Although an extensive discussion on restorative practices is beyond the scope of this guidance document, a few select resources are included in appendix B.

### **Student Conduct**

Each district is required to develop and maintain policies and procedures that set forth behavioral expectations for students, and articulate the responses for student misconduct. Oregon’s school discipline law<sup>1</sup> allows school personnel discretion in distinguishing between behaviors that are disruptive, and those that pose legitimate safety issues to the school community. Although the law requires efforts to keep students in school by finding alternatives to suspension and expulsion, it does allow for the use of these measures when necessary to ensure safety. Under the law, expulsion must be limited 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<sup>2</sup>

In rare circumstances, it may be necessary to use physical force to restrain students who pose danger to themselves or others. Under Oregon's restraint and seclusion law, physical restraint or seclusion may be used on a student only if: 1) the student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or others; and 2) less restrictive interventions would not be effective.<sup>3</sup>

### **Firearms**

If an individual brings a firearm or destructive device<sup>4</sup> to a school, employees are required to report this to their appropriate administrator immediately and students are strongly encouraged to do the same. Oregon law requires law enforcement to be notified.<sup>5</sup> The federal Gun Free Schools Act (GFSA) and Oregon's school discipline law require a one-year expulsion for students who bring firearms to school. Both laws allow for administrators to make exceptions to this requirement based on the individual circumstances of each incident.<sup>6</sup> In 2014, Oregon's law was changed to align with the GFSA, replacing "weapons" with the federal legal definition of "firearms."<sup>7</sup>

### **Threats**

If it is discovered that a person is targeting another or has created a "hit list," the superintendent (or designee) is required to notify the parents or guardians of any student on the list. In addition, the superintendent must notify any school employee on the list. Verbal notice must be made within 12 hours, with follow-up written notification within 24 hours.<sup>8</sup>

### **Criminal History Notification**

For students who have been charged with or convicted of serious crimes, the Department of Corrections, Juvenile Department, or other relevant authority must notify the school administrator.<sup>9</sup> School administrators that receive such notices may disclose the information to school personnel that have been determined to need the information. This is intended to promote the safety and security of the students, staff and the school.

<sup>10</sup>

### **Background Checks**

Oregon law requires fingerprinting and background checks for all licensed school personnel (teachers, administrators, counselors, specialists, etc.) and unlicensed school personnel (school secretaries, bus drivers, cafeteria staff, custodians, etc.) who have unsupervised contact with students.<sup>11</sup> The law further lists crimes that will prohibit an individual from working in schools with students.<sup>12</sup>

### **Child Abuse Reporting**

State and federal laws designate all school personnel as mandatory child abuse reporters.<sup>13</sup> This designation requires that all school employees promptly report suspected child abuse to law enforcement or the appropriate child protective services agency within the state. The designated phone number to initiate this process is 1-855-503-7233.

### **School Safety Plans**

Schools are required to maintain comprehensive safety plans and protocols for all employees and students in order to avoid confusion and panic during an emergency situation.<sup>14</sup> Schools must develop and regularly practice emergency response drills for fire; earthquake; tsunami (where appropriate); and other safety threats which include lockdowns, lockout, shelter in place, and evacuation. Further, the law requires monthly fire drills and at least two earthquake safety drills to be conducted annually.

## Oregon Department of Education Contact Information

John English  
503-947-5797  
[John.english@ode.state.or.us](mailto:John.english@ode.state.or.us)  
Education Specialist  
Safe and Healthy Schools

Martha Buenrostro  
503-947-5611  
[Martha.buenrostro@ode.state.or.us](mailto:Martha.buenrostro@ode.state.or.us)  
Education Specialist  
EBISS Coordinator

Jeremy Wells  
503-947-5782  
[Jeremy.wells@ode.state.or.us](mailto:Jeremy.wells@ode.state.or.us)  
Education Specialist  
Safe and Drug Free Schools

### ENDNOTES

---

<sup>1</sup> Chapter 339 of the Oregon Revised Statutes includes state laws on school discipline, restraint/seclusion, and school safety.

Chapter 339 can be viewed in its entirety here: [https://www.oregonlegislature.gov/bills\\_laws/ors/ors339.html](https://www.oregonlegislature.gov/bills_laws/ors/ors339.html). Relevant sections are included in the endnotes below.

<sup>2</sup> ORS 339.250(2)(b).

<sup>3</sup> ORS 339.291(1)(a).

<sup>4</sup> ORS\_339.315 incorporates by reference ORS 166.382, which defines destructive device as a “bomb, grenade, rocket having a propellant charge of more than four ounces; missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or any combination of parts either designed or intended for use in converting any device into any destructive device described [above].”

<sup>5</sup> ORS 339.315(1)(a).

<sup>6</sup> 20 USC 7151(b)(1); ORS 339.250(7)(c)(A).

<sup>7</sup> Under the Gun Free Schools Act and Oregon law, “firearm” is defined as “(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm. 20 USC § 921 (a)(3); ORS 339.250(7).

<sup>8</sup> ORS 339.327

<sup>9</sup> ORS 339.321

<sup>10</sup> ORS 339.323

<sup>11</sup> ORS 339.374; ORS 326.603

<sup>12</sup> ORS 342.143

<sup>13</sup> ORS 419B.010; ORS 339.388

<sup>14</sup> ORS 336.071

**APPENDIX A**  
**RELEVANT OREGON REVISED STATUTES (ORS) AND**  
**OREGON ADMINISTRATIVE RULES (OAR)**

**ORS:** [https://www.oregonlegislature.gov/bills\\_laws/Pages/ORS.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)

- ORS 326.603 Authority of school districts and schools to obtain fingerprints and criminal records check of employees and contractors; fee
- ORS 336.071 Emergency drills and instruction; maintenance of exit doors
- ORS 339.312 Safe school alliance
- ORS 339.315 Report required if person has unlawful firearm or destructive device; immunity; law enforcement investigation required
- ORS 339.317 Notice to school district of person charged with crime; immunity
- ORS 339.321 Notice to school district and law enforcement agencies of release or discharge of person; immunity
- ORS 339.323 Disclosure of information regarding person charged with or convicted of crime or regarding release or discharge of person; immunity
- ORS 339.326 Actions after receipt of notice under ORS 419A.305; transfers from outside state; enrollment in other school or program; confidentiality of information; use of information; immunity
- ORS 339.327 Notification required if person possesses threatening list or when threats of violence or harm made; immunity
- ORS 339.356 Harassment, Intimidation and Bullying: District policy required
- ORS 339.359 Harassment, Intimidation and Bullying: Training programs; prevention task forces, programs and other initiatives
- ORS 339.362 Harassment, Intimidation and Bullying: Retaliation against victims and witnesses prohibited; school employee immunity
- ORS 342.223 Criminal records check; effect of making false statement; appeal
- ORS 419.305 Notice to school administrators concerning students subject to juvenile court petitions

**OAR:** [http://arcweb.sos.state.or.us/pages/rules/oars\\_500/oar\\_581/581\\_tofc.html](http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_581/581_tofc.html)

- 581-021-0500 Fingerprinting of Subject Individuals in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses
- 581-022-0705 Health Services
- 581-022-1420 Emergency Plans and Safety Programs
- 581-022-1140 Equal Educational Opportunities
- 584-036-0062 Criminal Records and Professional Conduct Background Check
- 581-024-0275 Facilities and Safety and Emergency Planning

# APPENDIX B

## Electronic Resources

### Emergency Planning and Crisis Response

- Emergency Information and Planning: <http://www.ode.state.or.us/search/results/?id=372>
- Crisis Response/Violence Prevention Resources: <http://www.ode.state.or.us/search/page/?=3841>
- Emergency Resources for Schools, Students and Families: <http://www.ode.state.or.us/search/page/?id=2581>
- Mental Health: <http://www.ode.state.or.us/search/page/?id=5385>
- National Education Association School Crisis Guide: <http://neahealthyfutures.org/wpccategories/school-safety/>

### School Behavior Management Resources

- University of Oregon Institute on Violence and Destructive Behavior: <http://pages.uoregon.edu/ivdb/>
- Code of Conduct: A national collection of resources on safety, discipline and school climate: <http://www.edweek.org/ew/toc/2013/01/10/index.html?INTC=EW-QC13-EM>
- Annotated bibliography on policy and practice resources focused on reducing exclusionary school discipline <http://www.ode.state.or.us/search/page/?id=4287>
- International Institute for Restorative Practices model for work in schools: <http://www.safersanerschools.org/>
- San Francisco Unified School District Restorative Practices initiative: <http://www.healthiersf.org/RestorativePractices/>

### EBISS Resources:

- EBISS Introduction: <http://www.ode.state.or.us/initiatives/idea/ebiss-spdg-introduction-10-26-15.pdf>
- Oregon's EBISS/SPDG Data Portal: <http://www.orspdgdata.net/homepages/view/1>
- EBISS: <http://www.ode.state.or.us/search/page/?id=1389>
- University of Oregon EBISS Resources: <http://blogs.uoregon.edu/oregonscalingupebissblog/about/qa/>
- Positive Behavior Intervention and Supports (PBIS): <http://www.pbis.org/default.aspx>