

Weapons in the Schools

Students shall not bring, possess, conceal or use a weapon on or at district property, activities under the jurisdiction of the district or interscholastic activities administered by a voluntary organization approved by the State Board of Education (i.e., Oregon School Activities Association).

For purposes of this policy, and as defined by state and federal law, weapon includes:

1. "Dangerous weapon" - any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. "Deadly weapon" - any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. "Firearm" - 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, frame or receiver of any such weapon or any firearm silencer;
4. "Destructive device" - any device with an explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

Weapons may also include, but not be limited to, knives, metal knuckles, straight razors, noxious or irritating gases, poisons, unlawful drugs or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents and patrons.

Replicas of weapons, fireworks and pocket knives are also prohibited by Board policy. Exceptions to the district's replicas prohibition may be granted only with prior principal approval for certain curriculum or school-related activities.

Prohibited weapons, replicas of weapons, fireworks and pocket knives are subject to seizure or forfeiture.

In accordance with Oregon law, any employee who has reasonable cause to believe a student or other person has, within the previous 120 days, unlawfully been in possession of a firearm or destructive device as defined by this policy, shall immediately report such violation to an administrator, his/her designee or law enforcement. Employees who report directly to law enforcement shall also immediately inform an administrator.

Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and

at any other time there is reasonable cause to believe violations have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device. Parents will be notified of all conduct by their student that violates this policy.

Employees shall promptly report all other conduct prohibited by this policy to an administrator.

Students found to have violated the district's zero-tolerance weapons policy shall be expelled for a period of not less than one year. Students found to have brought, possessed, concealed or used a dangerous or deadly weapon, firearm or destructive device in violation of this policy shall be expelled for a period of not less than one year. All other violations of the policy will result in discipline up to and including expulsion and/or referral to law enforcement, as appropriate. The superintendent may, on a case-by-case basis, modify this expulsion requirement. The district may also request suspension of a student's driving privileges or the right to apply for driving privileges with the Oregon Department of Transportation, as provided by law. Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Special education students shall be disciplined in accordance with federal law and Board policy JGDA/JGEA – Discipline of Students with Disabilities, and accompanying administrative regulation.

Weapons under the control of law enforcement personnel or a person who has a valid license under ORS 166.291 and 166.292 are permitted. The superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the district and conducted on district property including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports.

The district may post a notice at any site or premise off district grounds, that at the time is being used exclusively for a school program or activity. The notice shall identify the district as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A "school zone," as defined by federal law, means in or on school grounds or within 1,000 feet of school grounds.

"Gun-Free School Zone" signs may be posted in cooperation with city and/or county officials as appropriate. Violations, unless otherwise excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

END OF POLICY

Diane Buche - [Super] Executive Numbered Memo 002-2014-15 - House Bill 2192-School Discipline

From: ODE Communications <super@listsmart.osl.state.or.us>
To: "super@listsmart.osl.state.or.us" <super@listsmart.osl.state.or.us>
Date: 9/23/2014 3:56 PM
Subject: [Super] Executive Numbered Memo 002-2014-15 - House Bill 2192-School Discipline
BC: Diane Buche
Attachments: Part.002

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

Additional tools and resources are forthcoming, and will be located here:

<http://www.ode.state.or.us/search/results/?id=107>

For more information, contact John English, Education Specialist, at john.english@ode.state.or.us, or 503.947.5797.

Legal Reference(s):

ORS 161.015
ORS 166.210 - 166.370
ORS 166.382
ORS 332.107
ORS 339.115
ORS 339.240
ORS 339.250

ORS 339.260
ORS 339.315
ORS 339.327
ORS 809.060
ORS 809.260

OAR 581-021-0050 to -0075

OAR 581-053-0010(5)
OAR 581-053-0015(7)(k)
OAR 581-053-0545(4)(c),(w)
OAR 581-053-0550(5)(v)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).
Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).