



Administrative Directive

4.30.011-AD

Student Conduct and Discipline

I. Introduction

PPS understands that social, emotional, and physical well-being are crucial to academic and professional success. This Administrative Directive (AD) outlines processes and protocols that will lead to safer schools grounded in racial equity and social justice, enhanced student achievement, and improved student attendance. This AD seeks to eliminate disparities in the disciplinary process by utilizing equitable, tiered interventions and consequences across all racial and ethnic groups, genders, and among those with disabilities and other protected classes. Educators will be supported to resolve most disciplinary problems in the classroom by utilizing developmentally appropriate and effective classroom practices.

II. Definitions

- A. **60 Day Rule: Commencement Disqualification:** Requires that seniors be disqualified from participation in commencement exercises and related activities if within 60 consecutive calendar days of the last senior school day they are found to be in violation resulting in three or more days of suspension or more serious disciplinary action.
- B. **Alternative Plan:** An Alternative Plan is a disposition from a substance use violation or from a discipline hearing. It is a plan built in cooperation between the school and the family and is meant to provide interventions to prevent the behavior from happening again and possibly to repair any harm caused.
- C. **Behavioral Support Plan:** A Behavioral Support Plan, sometimes referred to as a Behavior Intervention Plan, is an action plan targeted at helping a student improve certain behaviors or reach a behavior goal. It should be based on a Functional Behavioral Assessment.
- D. **Class Exclusion:** Following an incident, a student may be excluded from class for one to two sessions to allow all parties to reflect and make different choices. This should be documented in Synergy.
- E. **Community Service/Service Learning:** Assigning students a specified number of hours of volunteer work or service at school or in the community that is connected to the original violation, developmentally appropriate, and aligns with PPS's commitment to Racial Equity and Social Justice.
- F. **Consent:** Consent means a clear, knowing, and voluntary agreement to participate in a specific sexual act or interaction. Consent can be communicated through words or clear actions. Consent must be freely given, can be withdrawn at any time, and must be present throughout the interaction.
 - i. Consent to one act does not mean consent to another act. Consent given at one time does not mean consent is given later. A dating relationship, prior sexual activity, silence, passivity, lack of resistance, or "going along with" something does not, by itself, mean that consent was given.
 - ii. Consent is not present when a person is unable to make or communicate a voluntary decision, including because of sleep, unconsciousness, disability, incapacitation, the

effects of alcohol or drugs, or because the person is legally unable to consent due to age or other applicable law.

- iii. Consent is also not present when agreement is obtained through force, threats, intimidation, pressure, coercion, manipulation, grooming, abuse of authority, or exploitation of a power imbalance.

- G. **Data Tracking System:** A program which allows PPS staff to inspect discipline data across PPS, as well as by the school. This allows for data driven decision making. Data in the form of discipline referrals and interventions must be entered in Synergy in order to be integrated into this system. Examples include, but are not limited to, Synergy, Administrators Dashboard and Panorama.
- H. **Deferred Expulsion:** A deferred expulsion is a period of intensified supports and structure for a student. A plan will be put in place to help them be as successful as possible in school. If they do not follow the plan, or if they receive a new serious violation, another hearing will be held to determine if the student will be expelled or if additional supports will be added. The deferred expulsion begins on the day of the hearing and will end on a predetermined date.
- I. **Detention/Loss of Privileges:** Requiring students to remain in school for up to one-half hour after the dismissal of school in the afternoon or at another time (e.g., supervised lunch, before school). Detention should not interfere with instructional time.
- J. **Discipline Hearing:** A formal disciplinary meeting to examine information pertaining to suspected behavior and to make a decision regarding expulsion, deferred expulsion, or other interventions.
- K. **Exclusionary Discipline:** Disciplinary action that removes a student from instruction. Examples include: single class exclusion, in-school suspension, out-of- school suspension, and expulsion. Exclusionary discipline should last only long enough to provide the school with the opportunity to plan for the student's safe return. It should be age appropriate, proportionate to the severity of the violation and take into account other supportive factors to provide the most safety for the learning environment.
- L. **Expellable Offense:** A behavior that causes severe harm to another student and/or staff member.
- M. **Expulsion:** Denies the student the right to attend any PPS school or program, including all classes, school activities, sponsored and virtual events, or to come onto any PPS property for up to one calendar year.
- N. **Functional Behavioral Assessment:** A formal process to determine what unmet need is driving a student's behavior.
- O. **Harassment:** Any act of intimidation or bullying, acts of cyberbullying, sexual harassment, and sexual violence. Harassment, intimidation, or bullying of students is an act that substantially interferes with a student's educational benefits, opportunities or performance or has the effect of physically harming a student or damaging a student's property, knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property, or creating a hostile educational environment including interfering with the psychological well-being of a student and may be based on, but not limited to, the protected class status of a person. PPS will look at the totality of the circumstances in which the behavior occurs to determine whether a hostile environment exists. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

P. **Harassment - Title IX Sexual Harassment:** Can happen in person, electronically, or through a third party. Sexual harassment of students: includes:

- i. A demand for sexual favors in exchange for benefits;
- ii. Unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student's educational performance or that creates an intimidating, offensive or hostile educational environment. It may include:
 - a. sexual jokes, comments, or gestures.
 - b. sharing sexual comments, videos or pictures.
 - c. sending or asking for nudes.
 - d. making a sexualized deepfake depiction of someone.
 - e. using explicit images of someone to extort them into doing something that they don't want to do.
- iii. Assault when sexual contact occurs without a student's consent because the student is under the influence of drugs or alcohol, is unconscious, or is pressured through physical force, coercion, or explicit or implied threats.

When this conduct is determined to be severe, or pervasive, and objectionably offensive, thus interrupting a student's ability to freely and safely access their education, it is a Title IX Violation.

Q. **Hearing Officer:** A licensed administrator designated by the Superintendent to conduct a discipline hearing.

R. **Hostile Environment Harassment:** Unwelcome conduct that is severe, or persistent, pervasive, and objectively offensive that it effectively denies a student equal access to their education or to an activity.

S. **Implicit Bias:** Also known as unconscious or hidden bias, implicit biases are negative associations that people unknowingly hold. They are expressed automatically, without conscious awareness. Many studies have indicated that implicit biases affect individuals' attitudes and actions, thus creating real-world implications, even though individuals may be unaware that those biases exist within themselves.

T. **Individualized Education Program (IEP):** is a document that is developed for each public-school child who is found eligible for special education. It is reviewed annually, occasionally more often, by the IEP team, including the child's parent/guardian, school administrators and PPS staff.

U. **Intervention Services:** requiring students to attend a targeted school and/or community programs with a specific focus (e.g., Insight, theft talk, fire- setters education program).

V. **Investigation:** An investigation is a structured process used to gather and review information to understand what occurred during a specific incident. It could involve speaking with students, staff, and any witnesses, reviewing relevant evidence or documentation, and clarifying the sequence of events.

W. **Investigator:** The role of an investigator is to conduct a fair, prompt, impartial, and thorough exploration of the facts to determine whether a violation has occurred.

- X. **Material and Substantial Disruption of the Educational Environment:** Behaviors that significantly interfere with instruction or staff member's ability to maintain a stable classroom or ensure student and staff safety. See Student Rights and Responsibilities Handbook for specific information.
- Y. **Manifestation Determination:** A Manifestation Determination is a review process conducted by a student's IEP or 504 team to determine whether the behavior leading to possible disciplinary action was directly caused by the student's eligible disability or was caused by the school's failure to fully implement the IEP or 504 plan.
- Z. **Physical Attack Causing Harm:** Intentionally violent contact and/or touching that violates bodily autonomy or striking of another person against their will or intentionally causing bodily harm to an individual.
- AA. **Preponderance of Evidence:** An evidentiary standard used by the hearings officer to weigh information received during a hearing. The standard of this scale is "more likely than not."
- BB. **Prosocial Behavior:** Behavior that aligns with community social expectations and norms for a given situation.
- CC. **Reengagement Meeting:** A meeting for a student, family, and school team which will take place before, upon return, or shortly after a student returns from any school exclusion. The meeting will focus on goals and support to help the student be successful in the future and avoid further exclusions. This meeting does not need to be formal, it should be virtual or in person. A phone meeting is not preferred but acceptable if that is the only option for the family.
- DD. **Restorative Justice:** a philosophy grounded in the idea of building, maintaining, and repairing relationships to form healthy, supportive, and inclusive communities by using Restorative Practices that hold people accountable in supportive and reflective ways.
- EE. **Safety Plan:** A document which identifies a student's patterns of unsafe behavior, those behavior's triggers, as well as adult's responses to prevent or interrupt those behaviors. This planning template identifies and documents necessary supports from the perspective of the student and should be completed in collaboration with the student and their family
- FF. **Section 504 Plan:** An accommodation plan for a public-school child with disability developed to ensure the child receives accommodations for access and participation in the learning environment.
- GG. **Student Rights, Responsibilities, and Discipline Handbook:** A document that each student and family has access to which communicates student rights, responsibilities and acceptable norms of behavior. It also describes the disciplinary process, the types of behaviors that are subject to discipline and the system of consequences designed to correct student behavior.
- HH. **School Climate Handbook:** Developed and monitored by a site-based School Climate Team that includes an administrator, general and special education teachers/staff, classified staff, and where appropriate, parents/guardians, students, and community members. The goal of School Climate Handbook is to maximize consistency, efficacy, and equity in school-site practice by aligning them with Board policies, PPS administrative directives, applicable state and federal laws and regulations, other PPS standards, and collective bargaining agreements, while allowing schools to be responsive to their school community.
- II. **School Climate Plan:** All schools will design, adopt, implement, and regularly review a school-based discipline plan. The goal of the School Climate Plan is to maximize consistency, efficacy, and racial equity in school-site practice.

- JJ. **Sexual Incident Response Committee (SIRC) Process:** PPS has a defined process to assess, plan for, and support students who may be exhibiting problematic behaviors which cause sexual harm. Administrators will contact the SIRC Coordinator whenever encountering a behavior of the aforementioned nature.
- KK. **Student Success Center (SSC):** A 3 week, half day, intensive skill intervention program for students who exhibit behaviors that rise to a level of support that would require students to be out of their assigned school. SSC serves students in grades 6 through 12.
- LL. **Suspension, In-School:** Temporarily denies a student the right to attend scheduled classes and instead requires them to attend a program or engage in other educational activities in the school for a period up to five (5) consecutive school days.
- MM. **Suspension, Out-of-School:** Temporarily denies a student the right to attend school, including all classes and school activities and to come onto any PPS property, for a period up to ten (10) consecutive school days.
- NN. **Temporary Class Exclusion:** Denying students the right to attend particular classes for a defined period. This disciplinary practice should be used only after other interventions have been exhausted and must be tracked as a class exclusion in Synergy.
- OO. **Threat Causing Fear of Harm:** A behavior that indicates an intention to cause injury to the body or property of another person which immediately creates a fear of harm, without displaying a weapon and without subjecting the impacted individual(s) to actual physical attack. Threats may take many forms including verbal, gestural, written, electronic, or through a third person.
- PP. **Title VI:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) is a federal law that prohibits discrimination on the basis of race, ethnicity, color, religion, or national origin in any public school.
- QQ. **Title IX:** Title IX of the Education Amendments Act of 1972, is a federal civil rights law that states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
- RR. **Weapon; Dangerous:** 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.
- SS. **Weapon; Deadly:** Any instrument, article, or substance specifically designed for and presently capable of causing death or serious physical injury.
- TT. **Weapon; Firearm:** A firearm is an instrument which is "designed to or may readily change to expel a projectile by the action of an explosive and any explosive, incendiary, or poison gas." (Section 921 of Title 18 of the U.S. Code.)

III. Disciplinary Guidelines

A. General Guidelines

- i. PPS staff are expected to intervene early and start the discipline process at the lowest possible level reasonably possible to change the student's behavior and minimize loss of

instructional time.

- ii. Staff will engage parents/guardians early and consistently in the educational process and collaborate with them in any disciplinary action. When a parent/guardian is unavailable, the school's student support team will wrap around the student to ensure continued support.
- iii. PPS staff will consider all available alternatives to discipline, prioritizing family and school-based resources. A continuum of positive behavioral interventions, strategies, and supports will be used to reinforce behaviors that support a safe and productive learning environment.
- iv. To ensure consistency, PPS maintains defined levels of disciplinary action ranging from least to most serious, as outlined in the Student Rights & Responsibilities Handbook.
- v. When student conduct entails a material and substantial disruption of the educational environment or a risk to the physical and/or emotional well-being of students and/or staff, the classroom teacher may refer the student to the principal or designee for support, intervention, and/or follow-up. When determining what may be a material and substantial disruption, the staff member should reflect upon how their implicit biases impact their view/understanding of that behavior and seek perspective from someone in the building who is actively engaged in school climate and equity work. If, after investigation or reflection, it is determined that the student's behavior was in reaction to biases on the staff's part, disciplinary action will be reviewed and potentially modified or overturned.

B. Nexus of Discipline: When and Where School Discipline Applies

Student conduct rules and discipline should apply consistently under the following circumstances:

- i. At school or on PPS property at any time;
- ii. At any school-sponsored event, even if it takes place off campus;
- iii. While traveling to and from school within a reasonable period of time before or after school;
- iv. Online or off-campus, if the behavior causes or is reasonably likely to cause a material and substantial disruption to the school environment or of school operations;
 - a. This can include electronic communication or social media posts outside of the school day that cause a material and substantial disruption to the learning environment.
- v. Students are also expected to respect others and their property when walking to and from school or waiting for transportation, as part of being a responsible member of the school community.

For incidents taking place on District Transportation Services, the bus driver will communicate the incident to the school administrative staff verbally and through the established Office Discipline Referral process. The school Administrator or designee should report disciplinary disposition and expectations to Student Transportation Services in order to communicate referral disposition and/or intervention to the driver. This communication will provide collaboration on any investigation needed to support staff in effective disciplinary action.

C. PPS Authority and Responsibilities

- i. PPS staff have the authority to discipline students.
- ii. Disciplinary interventions are expected to be a graduated set of age-appropriate responses starting at the lowest level based on the incident, be equitable, developmentally appropriate and personalized to student need and include consequences which seek to repair harm as stated in ORS 339.250.
- iii. **If a student is found not to have engaged in the behavior that is the subject of the disciplinary referral**, the incident is closed and all information pertaining to the incident will be removed from the student's file and destroyed. It is the responsibility of the school and school staff to seek to repair any harm caused by the disciplinary process and reestablish their student and their family's sense of belonging within the school community.
- iv. **For incidents involving hate speech and other hate motivated actions**, discipline will be in accordance with associated Policies and ADs and in alignment with the work of Racial Equity and Social Justice (RESJ), Student Support Services, Restorative Justice Practices (RJ) as well as ODE Every Student Belongs. Investigations and interventions may be coordinated with the Office for Civil Rights if the behavior meets the standard of a Title VI or Title IX incident.
- v. **For Response to Harassment, Sexual Violence, and Teen Dating Violence Procedures and Preventions**, Investigations and interventions may be coordinated with the Office for Civil Rights if the behavior meets the standard of a Title IX incident. (Title IX) Definitions and procedures for investigation are available in 4.30.063-AD Title IX Student to Student Sex- Based Discrimination and Harassment.
- vi. **Parental Notice of Threats**: Parents should be notified if a student receives a threat from another student. For written threats or lists, follow the guidelines in ORS 339.327 which states that the parent or guardian of a student who has received a written threat or was found to be on a threatening list must be notified of this fact within 12 hours verbally and within 24 hours in writing. For the purposes of this notification, texts and social media posts count as written threats.

D. Restorative Practices

PPS believes in the value of restorative practices. Restorative Justice Specialists can consult and collaborate with administrators, school climate teams, and other staff to support the shift toward a restorative disciplinary process. PPS staff will endeavor to utilize applicable restorative practices. Restorative practices include, but are not limited to:

- i. Restorative Conferencing: a structured meeting between parties impacted. Attendees may include school administrators, teachers, staff, students, parents/guardians, and appropriate community service providers to discuss impact of behavior, solving conflict peacefully, and to create a plan of action for interventions and supports.
- ii. Responsive Circles: a gathering where students directly involved in a conflict and others directly affected discuss the impacts of the behavior and make agreements to repair the harm.
- iii. Restorative Action Plan: the result of the circle described above, requiring students to do reparative work that meets the needs of those impacted and provide assigned support for the student(s)

E. Preliminary Investigation

- i. Upon receipt of a discipline referral requiring staff assistance, the principal or designee will take the following actions as necessary to gather relevant information:
 - a. Investigate the situation and assess whether the actions of school staff were the result of bias on the basis of race, gender and/or gender expression, national origin, disability, or other protected classes.
 - b. When age-appropriate, collect individual written statements from all students and staff involved, when possible, so that they can share what happened in their own words. If in the course of the investigation, the administrator determines that racial/cultural misunderstanding or discrimination on the part of school staff occurred during the incident, this will be taken into consideration when determining next steps.
 - c. If a student is unable or unwilling to write a statement themselves, allow them to dictate their statement to a staff member.
 - d. Staff should read it back to make sure that it accurately reflects the student's understanding of the situation, make any corrections necessary, and have them sign it. The staff member should sign and date it as well, indicating that they wrote the student's verbal statement down for them. If a student refuses to give a statement, staff should document that the student was given the opportunity but refused.
 - e. Identify the existence of specialized supports such as a behavior support plan (BSP), 504 plan, Functional Behavioral Assessment (FBA), Safety Plan, or Individualized Education Plan (IEP). If one exists, the student's case manager or counselor should be part of the investigation/exploration of evidence to ensure current plan and supports are being followed and consistent data tracking is maintained.
- ii. Students should be allowed to identify a trusted adult to support them in this process; this adult can be a parent/guardian, PPS staff or contracted partner staff person. It should be noted if the student is lacking a supportive adult relationship in the building, this may be a factor in student behavior and any further planning should include steps to engage and connect the student to a trusted adult.
- iii. Staff should consider which supports and interventions have been previously utilized to ensure student understanding of school-wide expectations.
- iv. Staff should utilize appropriate Data Tracking Systems to determine past interventions and build on previous successes.

F. Limits on Discipline

- i. In accordance with ORS 339.250, for students who are in fifth grade or lower, the use of out-of-school suspension or expulsion is limited 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 when the suspension or expulsion is required by law.

- c. When a suspension is imposed, the school is required to take steps to attempt to prevent the recurrence of the behavior that led to the suspension and then return the student to a classroom setting so that the disruption of the student's academic instruction is minimized. School administrators will examine the situation to determine the role of adult behavior in escalating or de-escalating the situation. This includes reevaluating Tier I classroom/school-wide practices in order to provide a safer, welcoming environment for all students.
- ii. Corporal punishment is prohibited. Any act which willfully inflicts or causes the infliction of physical pain on a student is prohibited in disciplining students, this includes forced physical activity. Corporal punishment does not include physical force situations such as the following:
 - a. Physical pain or discomfort resulting from or caused by:
 - Training for or participation in athletic competition voluntarily engaged in by a student;
 - Recreational activity voluntarily engaged in by a student;
 - Physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips, or vocational education projects.
- iii. Any physical restraint or seclusion must be carried out in accordance with 4.50.060-AD (Student Restraint and Seclusion) and applicable Oregon law.
- iv. School administrators, teachers, school employees and volunteers may use reasonable physical force on a student when a student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or other (examples of situations that may require adult physical intervention are listed below and are not exhaustive). School staff should not intentionally place themselves in the path of students unless there is a physical safety issue. The following are not considered a restraint:
 - a. Breaking up a physical fight
 - b. Interrupting a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - c. Protecting oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.
- v. Discipline for students with disabilities will be in compliance with federal and state laws and with 4.30.025-AD (Discipline of Students with Disabilities).
- vi. Schools will not deny students food or participation in recess or other physical activities as a form of discipline as provided in 3.60.062-AD.

IV. Exclusionary Discipline: Suspension and Expulsion

A. Student Suspension & Expulsion Considerations

This section describes considerations to ensure the rights of students and defines the responsibilities of PPS staff in the suspension and expulsion discipline process. By providing consistent interventions and consequences for all PPS schools we ensure equitable outcomes in discipline and eliminate disparities by applying discipline across all protected classes in accordance with PPS's Racial Educational Equity Policy 2.10.010-P and Non-Discrimination/Anti- Harassment Policy 1.80.020-P.

- i. Prior to suspension or expulsion, School Administrators must determine whether suspension is appropriate. Use the Student Rights, Responsibilities, and Discipline Handbook and consider:
 - a. Whether the nature of the behavior requires immediate attention;
 - b. Whether a student's age, health, disability, and/or special education status were factors in the behavior. If a student has an IEP or 504 plan, these must be included in any decision-making processes to determine whether the behavior is a manifestation of their disability and include the student's counselor or SPED case manager;
 - c. If the student is an English Learner, make sure that the student understood the rule that they broke. If they did not, consider non-exclusionary options (depending on harm caused) and take steps to ensure that the student understands the rule moving forward;
 - d. Whether bias toward certain cultural, racial, or linguistic groups may have played a role in staff response to the behavior;
 - e. Whether the student's academic placement is appropriate;
 - f. Whether repeated harmful behavior has not been responded to and whether previously implemented interventions and/or supports were conducted in a consistent and appropriate manner;
 - g. Whether support systems that are available to the student have been fully implemented with fidelity;
 - h. Whether, after deescalating, the student is able and willing to reflect on the incident and willing to repair any harm they caused;
 - i. Whether the student's behavior has significantly impacted the overall school community;
 - j. Whether the student voluntarily disclosed the behavior; and
 - k. Whether the student has participated in the building-based prevention and intervention programs designed to address student behavior, such as school-wide Tier I practices.
- ii. If the behavior of concern is a repeated behavior, the student is referred to the school's Student Intervention Team, and the team participates in a process where interventions are identified and progress is monitored of the interventions (Tier II and/or III evidence-based intervention(s) that relates to the function of the behavior).
- iii. When determining consequences, staff should reflect upon how their implicit biases may impact their view/understanding of that behavior and seek perspective from someone in

the building who is actively engaged in school climate and equity work. To maximize the time students spend in school, exclusionary discipline should only be used when student conduct entails a material and substantial disruption of the educational environment and/or a risk to the physical well-being of students and/or staff or behavior for which exclusion is mandated by PPS standards of conduct or federal law.

- iv. The use of expulsion is limited to:
 - a. Conduct that poses a threat to the health or safety of students or school employees;
 - b. When other strategies to change the student conduct have been ineffective; except that expulsion may not be used to address truancy; or
 - c. As required by law.
- v. In the event that a student's suspension falls on an unexpected school closure day, including inclement weather, the suspension should be made up the following regular school day.
- vi. Re-engagement following suspension: Prior to the student's return, hold a re-engagement meeting should include the teacher, family, student and administrator at minimum, to hear the child, family, SPED staff if on an IEP, and staff's planned actions for supporting the student to prevent the behavior from being repeated and providing each person the chance to reflect and repair harm. If restorative justice facilitation is appropriate and available, this meeting should take the form of a restorative reentry circle led by a facilitator trained in Restorative Justice.

B. Exclusionary Discipline Procedures

i. Initial Steps

When, after following the considerations above, a student's conduct may result in a suspension or a deferred expulsion, the principal or designee should:

- a. Conduct a preliminary investigatory meeting with the student to inform the student of the suspected behavior in a language the student can understand and give the student the opportunity to explain their side of the story.
- b. After interviews, the principal or designee will decide on any appropriate disciplinary action and may consider in-school suspension as an option if facilities and staff are available. Staff should consider in-school suspension where feasible in order to support a student's sense of belonging, and continued academic learning.
- c. Determine whether suspension is appropriate as a discipline option for the behavior in consideration of those factors listed above. Suspensions of one or more days must be approved by the principal's supervisor and Student Conduct and Discipline team. **No student will be suspended for more than 10 consecutive days.**
- d. School staff will endeavor to make contact with a parent/guardian before any student may be sent home during school hours. If contact has not been made by the end of the school day, elementary and middle school students will remain supervised in the building. High school students may be released at the end of the

day unless an administrator identifies a health or safety concern in doing so.

- e. Provide schoolwork to students who are suspended out of school.
- f. In the case of a student with an IEP or 504 plan, a student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period.
- g. Communication with Parent/Guardian:
 - When a student is suspended pending a hearing, written notice of the suspension will be sent to the parent/guardian in the student's home language by certified mail 5 days before the hearing pursuant to OAR 581-021-0070. The principal or designee will make every effort to notify the parent/guardian by phone or text in the student's home language, as well.
 - PPS staff will endeavor to collaborate with the parent/guardian and Student Conduct and Discipline Team to find a mutually agreeable time for the hearing. If the student is connected to PPS partner staff or other community advocate, that person should be included in the process and/or hearing to support the student and family.
 - In the event that the parent or guardian does not respond after the administrator has made a good-faith effort to contact them through as many means as possible, on at least three (3) separate occasions, (mail, email, phone, text, and/or home visits), the school will send a certified letter stating the time and place of the hearing and notify the parent or guardian that the hearing will be held with or without their presence. It should be noted for the parent or guardian that the hearing:
 - Is the time and place for due process around the incident, and for them to have their voices heard. If they do not attend, then their point of view will be missing from the hearing and will not be reflected in the final decision.
 - The hearing decision will be made by a Hearing Officer who is not connected directly to the school or incident.
 - Enrollment status: Students are not required to be enrolled at the time of the hearing. If the student has withdrawn prior to the hearing and the behavior is thought to have occurred prior to the student's withdrawal, the hearing is still required and a decision must be made.
- h. High School Commencement Disqualification: Requires that seniors be disqualified from participation in commencement exercises and related activities if within 60 consecutive calendar days of the last senior school day they are found to be in violation resulting in three or more days of suspension or more serious disciplinary action.

ii. Emergency Suspension and Suspension Pending Investigation

- a. A student's in-school or out-of-school suspension becomes effective after an initial inquiry into the facts of the incident leads to a determination that suspension is the only viable option to insure safety and wellbeing of those directly involved. The parent/guardian must be notified before sending the student home.

- b. **Emergency suspension:** When there is a health or safety emergency requiring immediate exclusion of a student from the learning environment, the principal or designee will notify the parent/guardian. The investigatory meeting should be held within three (3) school days unless there are extenuating circumstances preventing that meeting.
- c. **Suspension prior to a discipline hearing:** In alignment with the Student Rights and Responsibilities Handbook, students may be suspended in school or out of school pending the discipline hearing. Students will always be provided schoolwork. School teams are encouraged to contact the Student Conduct & Discipline team with questions. After no more than nine (9) consecutive school days on suspension, prior to the discipline hearing, the student must be readmitted to school until the discipline hearing unless:
 - In the judgment of the school team the student's return would pose a threat to the safety of any person. There must be compelling evidence of such a threat, and this delay cannot be for more than five (5) additional days.
 - The discipline hearing has been postponed by a written agreement with the parent/guardian because of the student's placement in a medical, substance treatment, or mental health treatment facility, incarceration of the student, or similar reasons.

C. Exclusionary Discipline Hearings

- i. A student cannot be expelled without an Exclusionary Discipline hearing. If a student is alleged to have committed an expellable offense, the Student Conduct and Discipline team, including the administrator and their supervisor, should schedule a hearing within 10 days when possible.
- ii. At the Exclusionary Discipline hearing, the Hearing Officer will allow those involved in the hearing to clearly explain their respective points of view and to submit whatever information or evidence they have that is relevant to the allegations. A recording of the hearing will be made on a PPS-owned device.
- iii. Confidentiality of students involved must be maintained. If a parent or guardian requests a copy of the hearing recording, then the school will provide it to them.
- iv. At the end of the hearing, the Hearing Officer will make a decision based on a preponderance of evidence standard. The Hearing Officer may review the student's disciplinary, support, and intervention history to inform their decision. If an expellable offense is determined to have more likely than not occurred, the Hearing Officer will determine the level of discipline (*i.e.*, no expulsion, deferred expulsion with an alternative plan or attendance at the Student Success Center, expulsion, or mandatory 365-day expulsion). Students may return to their school the day after the hearing is held, unless the decision is expulsion.
- v. The Hearings Officer may render their decision at the hearing or within 48 hours of the hearing and will attempt to communicate the decision to the family by phone. The Hearing Officer will also write a letter with their decision within two (2) school days of the hearing decision. Non-attendance or failure to participate in scheduling efforts: If, after three attempts to set or hold a hearing the family fails to attend the hearing, the Hearing Officer will hold the hearing without the family and mail the family a letter with the decision. Families' attendance or non-attendance at the hearing will not be considered

when determining responsibility or interventions.

D. Exclusionary Discipline Hearing Outcomes

i. Expulsion

- ii. **Deferred Expulsion:** Deferred Expulsion is a period of intensified supports and structures assigned by a Hearing Officer that should include one or more of the following:
 - a. A definitive start and end date;
 - b. A possible referral to the Student Success Center (SSC); and/or
 - c. An **Alternative Plan** that details what support the student will receive through the remainder of the Deferred Expulsion.
 - An Alternative Plan is built in partnership between the administration and the student's parent/guardian.
 - Most Alternative Plans will require families to sign a Release of Information to PPS to monitor progress with an external provider. The Alternative Plan should be grounded in trauma-informed practices and may include a behavioral or substance use assessment with treatment recommendations.
 - An Alternative Plan should identify a point person, outline clear outcomes, interventions, and behavioral goals, and include review dates and structured time at school.
 - An Alternative Plan should also describe school and at-home supports, allow the school to receive progress updates, and outline actions if the student does not successfully complete the plan.
 - Other interventions to support the student's success may include, but are not limited to: Functional Behavior Assessment or Behavior Support Plan, Safety Plan, No Contact Contract, Check-in/Check-out, Structured Break Plan, Referral to Insight Classes, Closed Campus, random or scheduled bag/locker checks, structured recess, and restorative processes.
 - The Alternative Plan should include a review date to determine the student's progress and whether the plan should be altered.
- iii. **Expulsion Following Deferred Expulsion:** If the student has not complied with imposed intervention conditions, or has committed a new serious violation, another hearing will be scheduled to determine whether the student has violated the terms of their deferred expulsion. The Hearing Officer will decide the subsequent interventions, up to and including expulsion.
- iv. **Mandatory Expulsion for Firearms:** Pursuant to state and federal law, PPS must expel from school for a period of not less than one calendar year any student who is determined to have brought to, possessed, concealed, or used a firearm in a school, on school property or property under the jurisdiction of PPS, or at a school-sponsored activity.
 - a. PPS must inform the Portland Police Bureau of any student who is expelled under

this subsection.

- b. PPS must annually report to the Oregon Department of Education the name of each school that was expelled under this subsection and the number of students expelled from each school

E. Manifestation Determinations

- i. For students with IEP or 504 plans, the discipline hearing process must be in accordance with Discipline of Students with Disabilities 4.30.025-AD. Additional information can be found in the Special Education Procedural Manual. The Building Administrator must be present at the Manifestation Determination in order to provide a description of the incident that led to the hearing.
- ii. A Manifestation Determination is a process to determine if the behavior in question:
 - a. Has a direct and substantial relationship to the student's disability; and/or
 - b. Was a result of the school failing to implement the IEP or 504 plan with fidelity.

If the answer is yes to either of these questions, then the Manifestation is considered positive, and the disciplinary hearing will not take place.

- iii. Pursuant to 4.30.025- AD Discipline of Students with Disabilities, Administrators should conduct a Manifestation Determination if a student has been excluded for 10 days for a pattern of behavior or if they may be excluded for more than 10 days (i.e., if they are scheduled for a hearing which may result in expulsion) and one or more of the following apply:
 - a. The student has an IEP or 504 Plan;
 - b. The school is in the process of developing an IEP or 504 Plan;
 - c. The family has requested an evaluation prior to the incident; and/or
 - d. The student exhibits a pattern of behavior that indicates that they may have a disability which may be eligible for an IEP or 504 Plan.
- iv. When the Manifestation Determination is required as a result of a scheduled Disciplinary Hearing, the Manifestation Determination must be scheduled at the same time the hearing request is made. However, the Manifestation Determination will take place at least a day prior to the hearing, is separate from the hearing, and does not include the hearing officer. If the Manifestation Determination is positive, the hearing will not take place and the IEP or 504 team will be required to conduct a Functional Behavioral Assessment and/or will revamp a Behavioral Support Plan for the student to address the behavior that resulted in the exclusion or hearing. If the Manifestation Determination is negative, then the hearing will proceed as scheduled.
- v. For a student who has a 504 plan, under federal law, there cannot be a positive manifestation due to possession or use of illicit substances, therefore a Manifestation Determination will not be scheduled in such instances. However a Manifestation Determination will be conducted in cases of distribution of illicit substances where expulsion is a possible outcome of the hearing

F. Educational Options During Expulsion:

- i. Expelled students may not be enrolled in other PPS schools during the expulsion except for an approved violence prevention, behavior, or alcohol and drug program as approved by the Superintendent or designee.
- ii. Students expelled from public schools outside of the PPS boundaries will not be admitted to a PPS school for the balance of the period the expulsion is in effect even if they have become a resident of the PPS district.
- iii. Alternative education or home instruction will be provided as required by law to expelled students who are or become residents of PPS during the period of expulsion.
- iv. When it becomes necessary for a student to be expelled from school before the end of a semester, at the point of the expulsion, a review of the student's academic status by the principal will determine what credit can be granted for work completed prior to the expulsion.
- v. Expelled students will be referred to PPS' Reconnection Services for aid in securing an alternative educational setting during their expulsion.
 - a. This option is also available for students who have been expelled from public schools outside of the PPS boundaries and who move into the PPS catchment area during their expulsion period.

G. Reengagement Following Expulsion

- i. Expelled students will be readmitted at the end of their expulsion period, and reasonable efforts will be made to support completion of their educational program.
- ii. Schools will use restorative practices, as outlined in PPS Re-engagement process procedures, to support re-entry. Re-engagement plans may include safety plans, no-contact orders, Functional Behavior Assessments, and other necessary supports.
- iii. Students expelled while on transfer have the right to return to their transfer school once the expulsion period ends.
- iv. A support/transition plan will be developed with the student service providers and building administration, and may include Certified Alcohol and Drug Counselor support, treatment programs, or other school and/or community partner supports.

V. Appeal Processes

A. Types of Appeals

- i. **Changing a Student Record:** See Conflict/Complaint Resolution Process Webpage.
- ii. **Contesting a Suspension:** A student or parent/guardian has the right to contest any suspension. Administrators are required to inform parents and students of their appeal rights. A student or parent/guardian may contest the suspension first by requesting a conference in writing with the principal. The principal will provide the family with a written response within ten (10) school days of receipt of the parent/guardian request. If the principal was the decision-maker, the family may submit a written appeal of the decision to PPS staff responsible for supervising the school that the student attends within five (5) school days of the principal's decision. PPS senior staff will review the record and provide a written response within ten (10) school days. PPS senior staff's decision is final.

- iii. **Appealing a Deferred Expulsion:** A student or parent/guardian may appeal a deferred expulsion by following the process laid out in the hearing results letter, or by contacting the Office of Student Support Services within five days of receipt of the hearing result letter.
- iv. **Appealing an Expulsion:** A student or parent/guardian may appeal an expulsion decision directly to the Office of the Superintendent within five school days of the decision.
- v. **Modification of Expulsion for Firearms:** The Superintendent (not a designee) is the only individual who may modify the expulsion requirement for a student on a case-by-case basis.

B. Appeals Hearing Procedures - Expulsion or Deferred Expulsion

- i. The Superintendent or their designee will act as the Appeals Hearings Officer to review the record and notify the family of the date set for the appeals hearing.
- ii. Appeals hearings will proceed as follows:
 - a. The Appeals Hearing Officer will allow the student's family to clearly explain their point of view and to submit any new evidence relevant to the case. This evidence should be forwarded to the Appeals Hearing Officer 24 hours prior to the appeals hearing to be considered.
 - b. The Appeals Hearing Officer will gather all relevant evidence, which may include:
 - The hearing result letter, the audio recording of the hearing, and evidence, statements, and documents considered in the hearing;
 - Supports and interventions;
 - New statements from the student, their guardians, attorney, advocates, and any other relevant party; and
 - Any other evidence deemed necessary to make an informed decision.
- iii. **Making a Decision:** Within three (3) school days of the appeals hearing, the Appeals Hearing Officer will make a decision based upon the preponderance of the evidence. The Appeals Hearing Officer and may choose to uphold, modify, or reverse the decision of the Hearing Officer.
- iv. **Notice of the Decision:** The Appeals Hearing Officer will notify the student's parent/guardian in writing of the decision. The notice will state that the student/family may appeal to the Office of the Superintendent within five (5) days.

C. Expulsion Appeal to the Board of Directors

A student or parent/guardian may appeal an expulsion to the Board of Directors within (10) ten school days of the decision by the Superintendent or designee to uphold the expulsion. Requests are made to the Office of the Superintendent.

History: Approved 2/10; Amended 12/14, 5/16, 11/22, 8/23, 3/24, 8/26