



ADMINISTRATIVE  
DIRECTIVE  
**Student Conduct and  
Discipline**

**4.30.011-AD**

**Philosophy Statement**

In alignment with the [PPS Vision](#), [Theory of Action](#), and [Strategic Plan](#), Portland Public Schools is committed to shifting disciplinary practices, processes, and systems toward restorative practices and eliminating racial disparities in school discipline that feed the school-to-prison pipeline.

A Culture of Physical and Emotional Safety is crucial to realizing our Vision, and PPS strives to create a culture of belonging and respect for all students and adults in our District. We acknowledge that, historically, the educational structure was created to perpetuate white culture and are committed to decentering those deeply embedded values and practices.

There should be no predictable disciplinary outcome based on any personal characteristics of the student. The District seeks to build a system-wide understanding of trauma prevalence and impact, which recognize that traumatic experiences can impact students' educational experiences. The District understands that inequitable disciplinary practices can traumatize students and that the trauma of racism compounds these effects for students of color.

In order to create this environment, school communities need to model a culture of feedback and reflection for both students and adults. Every student needs to know that there is a caring adult they can talk to and have a connection with; this must take into consideration that, historically, PPS has disproportionately disciplined student of color, Emergent Bilingual or Multilingual, Special Education, and other marginalized students. We want all adults in the District to be seen and valued and to have a strong sense of belonging, identity, and agency in order to create the same in our students.

Our approach to student conduct and discipline aligns with our Vision and utilizes research based in Racial Equity and Social Justice (RESJ), restorative justice, trauma-informed and culturally sustaining practices to minimize the use of exclusionary discipline and to maximize instructional time, while repairing harm done within the school community. Student behavior is a communication of unmet needs and makes sense when put in context. The disciplinary response process should be aimed at meeting these needs and creating an environment that helps students find new ways to meet their needs. With this belief, PPS is moving from a practice of exclusionary discipline to Restorative Practices for all Pre-K to 12th grades. These practices paired with meaningful and accessible instruction and guidance offer students and staff the

opportunity to learn, grow and contribute to the school community.

## **Introduction**

PPS understands that social, emotional, and physical well-being are crucial to academic and professional success. This Administrative Directive (AD) seeks to outline processes and protocols that will result in safer schools grounded in Racial Equity and Social Justice, improved 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 (see 1.80.020-P Non-Discrimination/Anti-Harassment Policy, 4.30.025-AD Discipline of Students with Disabilities). Educators will be supported to resolve most disciplinary problems in the classroom through utilizing developmentally appropriate and effective classroom practices. This AD outlines disciplinary practices that:

- Begin once all Tier I supports and practices have been exhausted and documented and/or severity of behavior requires immediate Tier II + interventions.

- Are trauma informed, developmentally appropriate and research based in Racial Equity and Social Justice;

- Provide equitable interventions that are personalized to student need and consequences which seek to repair harm;

- Use restorative practices (Restorative Justice) to balance the needs of the student, the needs of those directly affected by a student's behavior, and the needs of the overall school community.

## **Monitoring and Accountability**

The District shall collect, monitor, and evaluate data to:

- Support data-based planning and decisions.

- Ensure that equitable school-based practices are implemented in a just, non-discriminatory, and culturally responsive manner.

- Allocate professional development and support.

- Assess the effectiveness of policy implementation and communication mechanisms and strategies.

- Determine the need for any adjustments or changes in school practices.

- Report at least annually to the Board regarding progress and ongoing efforts to reduce disparities and to improve equitable outcome goals in applying student discipline.

Use and Management of Discipline Data: Portland Public Schools follows state

and Federal law in protecting student discipline data. Staff should use a developmentally appropriate lens when reviewing student discipline history; incidences over five years old should not be considered when making decisions about current interventions, for example an 11th grader's 5th grade history should not be considered

## **Definitions**

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.

CADC: Certified Alcohol and Drug Counselor

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.

Data tracking system: A program which allows district staff to inspect discipline data across the district, 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.

Delayed expulsion: A delayed 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 delayed expulsion begins on the day of the hearing and will end on a predetermined date.

Exclusionary Discipline: Disciplinary action which removes a student from instruction. Examples include: single class exclusion, in-class suspension with instruction, out-of-school suspension, and expulsion.

Expellable Offense: A behavior that causes severe harm to another student and/or staff member. Refer to section X. Student Suspension & Expulsion Procedures for more information.

Expulsion: Denies the student the right to attend any district school or program, including all classes, school activities, sponsored and virtual events, or to come onto any district property for up to one calendar year.

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. The District 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.

Sexual Harassment: can happen in person, by text, or on social media. It includes things like making sexual jokes, comments, or gestures; spreading sexual rumors; posting sexual comments, videos or pictures; taking, sending, or asking for nudes; touching or grabbing someone in a sexual way; sextortion by sharing explicit images to coerce or threaten. When this unwelcome conduct is so severe, pervasive, and objectionably offensive that a student can't freely and safely access their education, it is a Title IX violation [4.30.063-AD](#).

Hearing: A formal meeting to review information pertaining to suspected behavior and to make a decision regarding expulsion.

Hearing officer: A principal or other person designated by the Superintendent to conduct a hearing.

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.

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 district staff.

Investigation: Regardless of who leads the investigation, the role of an investigator is to conduct a fair, prompt, impartial, and thorough exploration of the facts to determine whether a violation of student discipline policy is more than likely than not to have occurred (preponderance of evidence or more than 50%). This may involve administrators and/or Title IX Director.

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.

Manifestation Determination: A Manifestation Determination is a test 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.

Physical attack causing harm: Intentionally touching (e.g. poking, pinching, pushing) or striking of another person against his or her will or intentionally causing bodily harm to an individual.

Preponderance of the 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.”

Prosocial Behavior: Behavior that is in alignment with community social expectation and norms for a given situation.

Reengagement Meeting: A meeting for a student, family, and school team which shall take place before, upon return, or shortly after a student returns from any school exclusion. The meeting shall focus on goals and supports to help the student be successful in the future, and to avoid further exclusions. This meeting does not need to be formal, it should be virtual or in person, a phone is not preferred but acceptable if that is the only option for the family.

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.

Safety: Safety is a state in which hazards and conditions leading to physical harm are controlled in order to preserve the health and well-being of individuals and the community.

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.

Student Rights, Responsibilities, and Discipline Handbook: A document each student and family receives 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.

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, district administrative directives, applicable state and federal laws and regulations, other District standards, and collective bargaining agreements, while allowing schools to be responsive to their school community.

School Climate Plan: All schools shall 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.

Senior District Staff: Anyone who oversees multiple school administrators.

Sexual Incident Response Committee (SIRC) Process: The district has a defined process to assess, plan for, and support students who may be exhibiting problematic behaviors which cause sexual harm. Administrators shall contact the SIRC Coordinator whenever encountering a behavior of the aforementioned nature.

Structured Recess: an activity or game that is planned and intentionally directed by an adult. It involves a variety of planned, inclusive and supervised games. Examples of

structured physical activity include a teacher-directed game, follow the leader, and even something as simple as tag. This may require a school to provide additional playground equipment or outdoor games. Even when students are climbing and sliding on the playground equipment, “structured recess” includes the teacher as the “leader” and to participate in close proximity with praise for a child who is playing with a peer or is even choosing to play at all.

Student Conduct and Discipline Implementation Framework: A system that defines the parameters and processes by which the district will prevent, intervene, and track how discipline is used in Portland Public Schools.

Student Success Center: 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.

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.

Suspension, out-of-school: Temporarily denies a student the right to attend school, including all classes and school activities and to come onto any district property, for a period up to ten (10) consecutive school days.

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.

Trauma Informed Care: [Trauma informed care \(TIC\)](#) recognizes that traumatic experiences terrify, overwhelm, and violate the individual. Trauma informed care is a commitment not to repeat these experiences and, in whatever way possible, to restore a sense of safety, power, and self-worth. This has been adapted from Trauma Informed Oregon.

Weapon: A weapon is any instrument, article, or substance which is designed to be or readily capable of causing death or serious physical injury.

## **Disciplinary Guidelines**

This section provides the general framework for implementing the Board’s Policy on Student Conduct and Discipline (4.30.010-P). Review [Portland Public School Building Administrator Stage 2/ 3 Discipline Process Checklist](#) as needed.

District 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.

Staff should engage parents/guardians early and often in the educational process and work cooperatively in any disciplinary actions.

Under circumstances when parent/guardian is unavailable, use the student support team at school to wrap around the student.

District staff shall consider all available alternatives to discipline, focusing first on family and school-based resources. District staff is expected to use a continuum of positive behavioral interventions, strategies, and supports to encourage and reinforce appropriate behaviors conducive to a learning environment.

To promote the consistent application of discipline, the District has developed a system of disciplinary action levels, ranging from least (e.g., conferences) to most serious (e.g., legally mandated expulsions). These actions are defined and specified for various kinds of behavior and are outlined in the Student Rights & Responsibilities Handbook [[hyperlink to that section](#)].

### **When and Where School Discipline Applies**

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

During school hours, and non-school hours on school property, at any school-sponsored activity regardless of location, at Portland Public Schools bus stops, and while traveling to and from school on school buses or other contracted vehicles and bus stops within a reasonable period of time. The District's ability to discipline for such conduct does not mean that the District is responsible for students' conduct or their safety while en route to and from school, or before or after school hours, when not utilizing PPS-sponsored activities or buses.

Participants in OSAA district-run programs activities 24 hours a day, 7 days a week for the entire season in which the student is participating, regardless of the location of the behavior.

Student conduct, including electronic communications, including off campus or at non-school sponsored programs, that causes a material and substantial disruption of the educational environment or school safety and welfare, or is highly likely to cause a material and substantial disruption to the learning environment.

Any incident or behavior that creates a hostile learning environment for another, regardless of where the incident occurs, shall be addressed through safety or supportive measures and/or other relevant interventions even when discipline does not apply.

### **Responsibilities**

When student behavior disrupts the learning or working environment, school staff, families, and students will share concerns and work collaboratively to develop and implement equitable and restorative plans for more intensive interventions and supports. It is the District's expectation that staff, students, and families work together to engage in respectful, pro-social behavior and culturally responsive interactions. Our goal is to communicate and ensure consistent expectations for

all schools; to maintain a racial equity and social justice lens to guide all work; to create time and space within buildings to support ongoing learning and coaching for evidenced based, culturally responsive practices and to facilitate discussion around implicit bias and Racial Equity and Social Justice (RESJ).

## **Behavior Responses**

District staff have the authority to discipline students.

General Disciplinary Options include:

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.

**Restorative Practices:** We believe in the value of restorative practices. Restorative Justice Specialists are available to consult and collaborate with administrators, school climate teams, and other staff to support the shift toward a restorative disciplinary process. District staff shall endeavor to utilize applicable restorative practices when all parties agree to do so. Restorative practices include, but are not limited to:

**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.

**Responsive Circles:** a gathering where students directly involved in a conflict and others directly affected discuss the impacts of the behavior and develop a plan to repair the harm.

**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).

**Community Service/Service Learning:** assigning students a specified number of hours of volunteer work or service at school or in the community that is developmentally appropriate and aligns with the District's commitment to Racial Equity and Social Justice.

**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).

**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.



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.

Exclusion From Activities: The student may be excluded from performing, competing and/or representing the school in school-sponsored competitions, games, performances, dances, and other similar activities, including those that take place after school or off campus, for a period of up to 14 consecutive calendar days starting on the day of the meeting.

If an event or activity is academic in nature and required for a student to obtain a grade, and a suitable alternative is not available, the administrator may permit the student to participate.

At the Administrator's discretion, an athlete, performer, and/or participant on a team, club, and school organization may have additional requirements for attendance and practice. They may attend the event with their team/group/club, but may not dress down, compete, or serve as a representative of the school for the duration of the 14-day period.

Suspension and Expulsion: The intent of this practice in PPS is to give individual schools the time and opportunity to plan for a student's safe return to the learning environment and/or to provide time for investigation to occur. Suspension and expulsion are to be proportionate to the degree and severity of the student's behavior, taking into account other disciplinary options, restorative practices, and supports have been utilized and determined to not provide the level of safety necessary for the learning environment. For this section, see X. Exclusionary Discipline.

For incidents taking place on District Transportation Services, 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(s). Contact [transportationreferral@pps.net](mailto:transportationreferral@pps.net) for investigation inquiries. [Resources: [PPSTS Procedure Transportation and Admin Work Flow](#)]

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 shall 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.

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 Success & Health (SS&H), Restorative Justice Practices (RJ) as well as [ODE Every Student](#)

## Belongs.

For Response to Harassment, Sexual Violence, and Teen Dating Violence Procedures and Preventions (Title IX) Definitions and procedures for investigation are available in [4.30.063-AD](#) Title IX Student to Student Sex- Based Discrimination and Harassment

### **Exclusionary Discipline**

When student conduct entails a material and substantial disruption of the educational environment or a risk to the physical 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.

Upon receipt of a discipline referral requiring staff assistance, the principal or designee will take the following actions as necessary to gather relevant information:

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.

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 shall be taken into consideration when determining next steps.

If a student is unable or unwilling to write a statement themselves, allow them to dictate their statement to a staff member.

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.

Identify the existence of specialized supports such as a behavior support plan (BSP), 504 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.

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. Consider which supports and interventions have been previously utilized to ensure student understanding of school-wide expectations. Utilize appropriate data tracking systems to determine past interventions and build on previous successes.

### **Limits on Discipline**

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:

For non-accidental conduct causing serious physical harm to a student or school employee;

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.

When an out-of-school suspension is imposed, the school is required to take steps to attempt to prevent the recurrence of the behavior that led to the out-of-school suspension and then return the student to a classroom setting so that the disruption of the student's academic instruction is minimized. School administrators shall 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.

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:

- 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.

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.

- Break up a physical fight
- Interrupt 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
- Effectively protect oneself or another from an assault, injury or

sexual contact with the minimum physical contact necessary for protection.

Any physical restraint or seclusion must be carried out according to [4.50.060-AD](#).

Discipline for students with disabilities shall be in compliance with federal and state laws and with [4.30.025-AD](#)

Schools shall not deny students food or participation in recess or other physical activities as a form of discipline as provided in 3.60.062-AD.

### **Student Suspension & Expulsion Considerations**

This section describes considerations to ensure the rights of students and define responsibilities of District staff in the suspension and expulsion discipline process. These procedures support the Graduate Portrait, Educator Essentials, and System Shifts outlined in our Vision, [PPS Reimagined](#). It is also aligned with the [Student Conduct and Discipline Policy \(4.30.010-P\)](#). By providing consistent interventions and consequences for all District schools we ensure equitable outcomes in discipline and eliminate disparities by applying discipline across all protected classes in accordance with the District's Racial Educational Equity Policy 2.10.010-P and Non-Discrimination/Anti-Harassment Policy 1.80.020-P.

Prior to suspension or expulsion, School Administrators must determine whether suspension is appropriate. Use the Student Rights, Responsibilities, and Discipline Handbook and consider if:

- The nature of the behavior requires immediate attention.
- A student's age, health, or disability 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.
- 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.
- Bias toward certain cultural, racial, or linguistic groups may have played a role in staff response to the behavior.
- The student's academic placement is appropriate.
- Repeated harmful behavior has not been responded to and whether previously implemented interventions and/or supports were conducted in a consistent and appropriate manner.
- Support systems that are available to the student have been fully implemented with fidelity.
- After deescalating, the student is able and willing to reflect on the incident and willing to repair any harm they caused.
- Whether the student's behavior has significantly impacted the

- overall school community.
- The student has participated in the building-based prevention and intervention programs designed to address student behavior, for example:

School-wide Tier I practices.

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).

The student voluntarily disclosed the behavior.

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 District standards of conduct or federal law. The use of expulsion is limited to:

Conduct that poses a threat to the health or safety of students or school employees; or

When other strategies to change the student conduct have been ineffective; except that expulsion may not be used to address truancy; or

As required by law.

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.

### **Exclusionary Discipline Procedures**

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

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. After interviews, the principal or designee shall 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.

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 shall be suspended for more than 10 consecutive days.

School staff shall 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 shall remain supervised in the building as administrators follow the unmet student protocols [insert hyperlink?]. High school students may be released at the end of the day unless an administrator identifies a health or safety concern in doing so.

Provide schoolwork to students who are suspended out of school.

With parent/guardian agreement, a student may be kept out of school until a plan is developed. 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.

Re-engagement following suspension/delayed expulsion: Prior to the student's return, hold a re-engagement meeting that includes 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.

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.

#### Emergency suspension

When there is a health or safety emergency requiring immediate exclusion of a student from the learning environment, the principal or designee shall notify the parent/guardian. The investigatory meeting should be held within three (3) school days unless there are extenuating circumstances preventing that meeting.

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. Parent/Guardian must be notified before sending the

student(s) home.

## Expulsion Hearings

If a student is alleged to have committed an expellable offense, the Student Conduct and Discipline team, including the administrator and their supervisor, should be informed by the administrator immediately to schedule a hearing within 10 days where possible.

For students with IEP or 504 plans, the expulsion hearing process must be in accordance with [Discipline of Students with Disabilities 4.30.025-AD](#), and additional information can be found in the [Special Education Procedural Manual](#). Building Administrator must be present at the Manifestation Determination in order to provide a description of the incident that led to the hearing.

Manifestation Determination: If the student has an IEP or 504 plan, or if the school is in the process of developing one, is assessing the student for eligibility, or if the family has requested that the school assess their student prior to the incident being discussed, a Manifestation Determination must be scheduled simultaneous to a hearing, but will take place prior to the hearing if the issue resulting in the need for the hearing requires a manifestation due to being a change in placement (the student has been excluded for 10 days within the school year). The IEP or 504 team shall conduct a manifestation determination process in accordance with 4.30.025-AD Discipline of Students with Disabilities. This process will occur prior to and separate from any hearing. It is not recorded, and the hearing officer is not a part of the discussions. If the manifestation process determines that the behavior had a direct or substantial relationship to the student's disability and/or there was a failure to implement the 504/IEP, then the hearing will not take place. If it is determined that the behavior did not have a direct or substantial relationship or was not a failure to implement the IEP/504, then the hearing will proceed as scheduled, and a discussion of engaging appropriate dispositions and supports will take place.

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.

For any student who engages in an additional expellable offense while under a delayed expulsion, the District will strive to provide a hearing within 10 school days and the school team will plan for next steps.

Suspension prior to an expulsion hearing: In alignment with the [Student Rights and Responsibilities Handbook](#), students may be suspended in school or out of school pending the expulsion hearing. Students will always be provided schoolwork. School teams should contact the

Student Conduct & Discipline team with questions. After no more than nine (9) consecutive school days on suspension, prior to the expulsion hearing, the student must be readmitted to school until the expulsion hearing unless:

In the judgment of the Principal's supervisor or designee, 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 expulsion 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.

Communication with Parent/Guardian: Written notice of the expulsion hearing shall be sent to the parent/guardian in the student's home language by certified mail 5 days before the hearing. The principal or designee shall make every effort to notify the parent/guardian by phone or text in the student's home language, as well. District 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 shall 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 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.

Expulsion Hearing Process: A student may not be expelled without a



hearing. School staff should endeavor to work collaboratively with the parent/guardian and student conduct and discipline team to schedule the date and time of the hearing within three days of the incident. The hearing itself should take place within 10 school days.

Hearing Officer: The hearing officer role is filled by PPS staff specifically hired for the purpose of presiding over disciplinary hearings, who is not connected to the school or incident. For matters involving substance use, the principal generally acts as the hearing officer for Level A Alcohol and Drug meetings; however, there may be situations in which a designee is needed.

Hearing: The hearing officer shall 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 shall be made on a PPS-owned device. Confidentiality of students involved must be maintained. If the student or family would benefit from community partner support they may be referred to a PPS RESJ partner.

If a parent or guardian requests a copy of the hearing recording, then the school shall provide it to them.

Title IX Hearing: The district conducts a Title IX hearing to consider possible Title IX violations, such as sexual harassment, any other form of harassment based on sex, gender, gender expression, sexual orientation, and sexual assault. Disciplinary hearings resulting from substantiated findings in a Title IX hearing can result in sanctions up to and possibly including expulsion or other interventions. The Title IX process is intended to ensure all have a fair opportunity to be heard. The hearing follows the same proceeding as other discipline hearings within PPS with a few modifications. The modifications are:

Two hearings officers are present to review the evidence from the Title IX investigator and a school building administrator.

The hearing is preferred to be held in a virtual meeting room, if the meeting cannot be held in a virtual space the meeting can be held in person but must ensure the physical, and emotional safety of all parties involved.

The reporting party has the opportunity to make an impact statement after the respondent has had their chance to share their perspective of what took place.

Coming to a Finding: After the hearing, the hearing officer will make a decision based on a preponderance of evidence presented. Once responsibility has been determined, 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 shall determine the level of discipline (*i.e.*, no expulsion, delayed expulsion with an alternative plan or attendance at the Student Success Center, expulsion, or mandatory 365-day expulsion).

Delayed Expulsion: is a period of intensified supports and structures assigned by a Hearing Officer that should include one or more of the following:

- A definitive start and end date

- A possible referral to the Student Success Center (SSC) where the student attends SSC half-day and is back on their school campus the last half of the day. While attending SSC on a Delayed Expulsion, students:

  - Will attend SSC in the morning and their assigned school in the afternoon.

  - Will be assigned to a Counselor to help guide their progress throughout the program.

  - Create a plan of support with SSC staff and School Staff. The school team should identify one or more specific staff to support the student's reentry to school.

  - Are required to attend all sessions for three consecutive weeks.

  - Follow through with the SSC plan created after completion of the three weeks of attendance.

- An Alternative plan which details what support the student will receive through the remainder of the Delayed Expulsion. Alternative Plan should have the following characteristics:

  - Be founded in trauma-informed practices

  - May include a behavioral or substance use assessment and recommendations for treatment

  - It insulates the school from serious misconduct to the same extent or more than standard disciplinary action

    - Point person/people,

    - clear intended outcome and the steps to get there

    - Interventions and supports

    - Behavioral goals as success criteria

    - Review dates

  - Structured time at school

## Outline of school supports and at-home supports

The school shall be authorized to receive information and regular reports on student progress. It contains action to be taken if the student does not successfully complete the plan.

It may include the 28-day restriction from activities for not less than 28-days. The activity ban bars the student from all competitions, games, performances and other similar activities which are either after school, off campus or intramural for a period of 28 consecutive calendar days beginning the day of the hearing.

## Referral to the Insight program

Other interventions needed for the student to be successful in school that may include but not be limited to:

Functional Behavior Assessment /Behavior Support Plan

Safety Plan

No Contact Contract

Check in/Check out

Structured Break Plan

Closed Campus

Random and Scheduled Bag / Locker checks

Structured Recess

Restorative Process

Review date to determine student's progress and whether the plan should be altered

The plan shall be implemented throughout the entire period of the delayed expulsion.

Students referred for Arson or other fire-related violations are expected to complete [Portland Fire and Rescue's Youth Fire Setter Education Program](#).

Notice of decision to parent/guardian: The hearings officer shall inform the family by phone of their decision within one school day of the hearing. The hearing officer will write a letter with their decision within two (2) school days of the hearing decision. The school will mail the family the letter with the decision in the same manner as described for the notice of the expulsion hearing. 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 shall hold the hearing without

the family and mail the family a letter with the decision in the same manner as described for the notice of the expulsion hearing. Families' attendance or non-attendance at the hearing shall not be a consideration in determining responsibility or interventions.

Expulsion following delayed expulsion: If the decision by the hearing officer is to delay the expulsion and:

The school is informed that the student has not complied with imposed intervention services conditions, another hearing shall occur to determine whether the student has violated the terms of their delayed expulsion. The hearing officer will decide the subsequent interventions, up to and including expulsion. Timelines and processes as described apply.

The student has committed a new expellable offense the school, after consultation with the Principal's supervisor and Student Conduct Coordinator, shall notify the family of a new hearing date and time and shall conduct an expulsion hearing before implementing the consequences determined by the hearing officer. Timelines and processes as described apply.

Copies of the letter informing families of decisions regarding suspension or expulsion shall be placed in the student's file, as well as provided to the principal and the Office of Support Services.

Letters to families will be translated into supported languages as needed.

#### Mandatory expulsion for firearms

Pursuant to state law, the District must expel from school for a period of not less than one calendar year any student who is determined to have:

Brought a firearm to a school, to school property or to any school-sponsored activity.

Possessed, concealed or used a firearm in a school, on school property or at a school-sponsored activity.

Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a District partner organization.

The Superintendent (not a designee) is the only individual who may:

Modify the expulsion requirement for a student on a case-by-case basis.

If an alternative program of instruction or instruction combined with counseling is appropriate for a student, the superintendent, or designee, shall ensure that information about such programs are accessible to the student.

The District must inform the Portland Police Bureau of any student who is expelled under this subsection.

The District must annually report to the Department of Education the name of each school that had an expulsion under this subsection and the number of students expelled from each school.

#### Appeal Process:

**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 three (3) 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 the district staff responsible for supervising the school that the student attends within five (5) school days of the principal's decision. The district senior staff will review the record and provide a written response within three (3) school days. The District senior staff's decision is final.

**Appealing an Expulsion or Delayed Expulsion:** A student or parent/guardian may appeal an expulsion or delayed expulsion hearing decision to the Office of the Superintendent within five school days of the decision.

Appeals on Title IX decisions must be made in accordance with 4.30.063-AD Title IX Sexual Harassment Student to Student Sex-Based

## Discrimination and Harassment.

Appeals Hearing Procedures: The Superintendent or their designee shall act as the appeals hearings officer to review the record and notify the family of the date set for the appeal hearing.

Appeals Hearings will follow the Hearing format as found on the Student Conduct & Discipline [webpage](#).

The appeals hearing officer shall 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 appeal hearing to be considered.

The appeals hearing officer shall gather all relevant evidence, which could include:

- The hearing result letter.

- The audio recording of the hearing.

- All evidence and statements considered in the hearing.

- The student's discipline, attendance, and academic performance records.

- Supports and interventions that the school has instituted for the student, and their responses to them.

- Statements from the student, their guardians, attorney, advocates, and any other relevant party.

- Statements from the hearing officer and school admin, and staff working directly with the student.

- Any other evidence deemed necessary to make an informed decision.

Making a Decision: Within three (3) school days, the appeals hearing officer shall make their decision based upon the preponderance of the evidence and may choose to uphold, modify, or reverse the decision. (If the decision is to reduce a mandatory Firearm 365-day expulsion, the hearing officer decision is forwarded as a recommendation to the Superintendent, who has the sole authority to make such a modification).

Notice of the Decision: The appeals hearing officer shall notify the student's parent/guardian in writing of the decision. The

notice shall state that the student/family may appeal to the Office of the Superintendent within five (5) days.

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. Requests are made to the Office of the Superintendent.

#### Educational options during expulsion

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.

Students expelled from public schools outside of the PPS district 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.

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.

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.

#### Re-engagement following Expulsion

Expelled students shall be readmitted to school after the period of expulsion. When the student is readmitted to school, all reasonable efforts will be made to help the student complete their educational program.

Schools shall utilize restorative practices as outlined in the PPS Re-engagement Procedures to support reintegration of the student into the school.

Students on transfer who are expelled have a right to return to the transfer school when the expulsion period has ended.

Support/transition plan will be developed with the school counselor, Certified Alcohol and Drug Counselor from the Student Success & Health department, and any treatment program or community partners who may be supporting the student.

## References

Portland Public Schools Policies & Administrative Directives

[1.80.020 – P Non-Discrimination/Anti-Harassment](#)

[2.10.010 – P Racial Educational Equity Policy](#)

[3.60.062 – AD Student Wellness Through Nutrition & Physical Activity](#)

[4.30.010 – P Student Conduct and Discipline Policy](#)

[4.30.025 – AD Discipline for Students with Disabilities](#)

[4.30.062 – AD Harassment, Intimidation, Bullying and Cyberbullying Procedures and Prevention-Students](#)

[4.50.060 – AD Student Restraint and Seclusion](#)

Legal References: ORS [339.240](#), [339.250](#), [339.252](#), [339.288](#), [339.291](#)

History: Approved 2/2010; Amended 12/2014, 5/2016; 11/2022; 8/2023; 4/2024