

## **Student Conduct\*\***

The Board expects student conduct to contribute to a productive learning climate at all ESD facilities or at any ESD-related activity. When receiving educational services in an ESD program, students shall comply with ESD's written conduct rules, pursue the prescribed course of study, submit to the lawful authority of ESD staff and conduct themselves in an orderly manner while receiving ESD services or during ESD-related activities. This conduct applies to students en route to and from any ESD facility or ESD-related activity.

Staff shall give careful attention to procedures and methods whereby fair, consistent and non-bias discipline shall be assured each student. The objectives of disciplining any ESD student must be to help the student develop a positive attitude toward self-discipline, realize the responsibility of one's actions and maintain a productive learning environment. All ESD staff members have responsibility for consistency in establishing and maintaining an appropriate behavioral atmosphere.

Progressive discipline procedures, related to the particular facts of an ESD student's misconduct, shall be used by ESD staff to correct behavioral problems. Examples include, but are not limited to: reprimands, conferences, fines for damage or loss of district property, loss of privileges and suspension. The age of the student and the student's past behavior shall be considered prior to a suspension or expulsion of the student. The use of out-of-school suspension or expulsion for discipline of a student in the fifth grade or below is limited to nonaccidental conduct causing serious physical harm to a student or employee; when a school administrator determines, based on the administrator's observation or upon a report from an employee, the student's conduct poses a threat to the health or safety of students or employees; or when the suspension or expulsion is required by law.

If an out-of-school suspension is imposed upon a student, the DESD shall take steps to prevent the recurrence of the behavior that led to an out-of-school suspension, and return the student to a classroom setting to minimize the disruption of the student's academic instruction

The following is a list of the basic conduct rules for ESD students. The superintendent may develop administrative regulations and procedures for enforcing the conduct code. The code and administrative regulations shall be published in a handbook and distributed to students and/or parents/guardians upon enrollment in a ESD program or activity. The Board shall review the handbook prior to the start of each new school year.

### **Disrespect**

Students will show respect and courtesy toward staff, each other and anyone else present at ESD facility. Reasonable requests by teachers, administrators, aides, volunteers, student aides, custodians, bus drivers, cooks, secretaries, etc., will be obeyed. Misconduct that disrupts and/or shows disrespect for the orderly operations of classroom learning environment will not be tolerated.

## **Use of Obscene/Vulgar Language**

The use of obscene/vulgar language and gestures should not be used by ESD students. If it occurs, the staff member hearing or observing the obscenity or vulgarity will take appropriate disciplinary action. This should occur as soon as practical after the incident.

## **Assault**

A student present at an ESD facility or ESD-related activity is prohibited from fighting or assaulting any other person.

### **1. Definitions**

- a. "Fighting" is defined as mutual combat.
- b. "Assault" is defined as an intentional infliction of physical injury.
- c. "Physical injury" is defined as meaning impairment of physical condition or substantial pain. Assault does not include physical pain or discomfort resulting from or caused by:

- (1) Training for or participation in athletic competition voluntarily engaged in by a student;
- (2) Recreational activity voluntarily engaged in by a student;
- (3) 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; or
- (4) Physical restraint or the use of aversive techniques as part of a behavior management program in a student's individual education program which has been signed by a parent and is carried out according to district procedure and policy.

2. A person may use physical restraint on another when and to the extent that is necessary to defend the student or another person from the imminent unlawful physical force or from imminent danger.

## **Disruptive or Threatening Behavior**

A student present at an ESD facility or engaged in a ESD-related activity is prohibited from:

1. Engaging in violent or threatening behavior;
2. Disturbing a classroom or educational activity;
3. Initiating or circulating a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or
4. Intentionally creating a hazardous or physically offensive condition.

"Threatening behavior" is defined as the intentional use of words or conduct to attempt to place, another in fear of serious physical injury.

END OF POLICY

**Legal Reference(s):**

[ORS 334.125\(7\)](#)  
[ORS 339.240](#)  
[ORS 339.250](#)

[ORS 659.850](#)

[OAR 581-021-0050 to -0075](#)  
[OAR 581-024-0240](#)

Hazelwood Sch. District v. Kuhlmeier, 484 U.S. 260 (1988).  
Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).  
Shorb v. Grotting and Powers Sch. Dist., Case No. 00CV-0255 (Coos County Circuit Ct.) (2000).  
Ferguson v. Phoenix Talent Sch. Dist. #4, 172 Or. App. 389 (2001).  
No Child Left Behind Act of 2001, 20 U.S.C. §§ 7114, 7912 (2006).

**Cross Reference(s):**

JF/JFA - Student Rights and Responsibilities  
JG - Student Discipline