

Malheur Education Service District

Code: **JFC**
Adopted: 9/20/05
Readopted: 7/15/14
Orig. Code(s): JFC

Student Conduct and Discipline

Students in ESD-operated classrooms are subject to the code of conduct of the buildings and ESD in which those classrooms are located.

Students served by ESD-operated programs not located in component school district facilities are subject to the code of conduct approved by the ESD superintendent.

Careful attention shall be given to procedures and methods whereby fairness and consistency without bias in discipline shall be assured each student. The objectives of disciplining any 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 climate.

Disciplinary procedures that are appropriate and to the extent practicable, use approaches that are shown through research to be effective, shall be used by ESD personnel to correct behavioral problems, while supporting students' attendance to school and classes. Examples include, but are not limited to, reprimands, conferences, detention and denial of participation in cocurricular and extracurricular activities. Titles and/or privileges available to or granted to students may be denied and/or revoked (e.g., valedictorian, salutatorian, student body, class or club office positions, field trips, senior trip, prom, etc.).

Students may be suspended in cases of serious infractions or repeated failure to comply with Board policy, administrative regulation, school or classroom rules. Students may be expelled for any of the following circumstances: a) when a student's conduct poses a threat to the health or safety of students or employees; b) when other strategies to change the student's behavior have been ineffective; or c) when required by law. Restitution may be sought for willful damage to ESD property. Additionally, a student's driving privileges, or the right to apply for driving privileges, may be suspended for violations of ORS 339.254 and 339.257. A referral to law enforcement may also be made for violations of the law. Parental assistance shall be requested when persistent violations occur.

Students shall be subject to discipline, suspension or expulsion for misconduct including, but not limited to:

1. Assault;
2. Hazing, harassment, intimidation, bullying, menacing, cyberbullying or teen dating violence as prohibited by Board policy JFCF - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/Teen Dating Violence – Student and accompanying administrative regulation;
3. Coercion;
4. Threats of violence or harm as prohibited by Board policy JFCM - Threats of Violence;

5. Disorderly conduct;
6. Bringing, possessing, concealing or using a weapon as prohibited by Board policy JFCJ - Weapons in the Schools;
7. Vandalism, malicious mischief, theft or willful damage or destruction of private property on ESD premises or at school-sponsored activities;
8. Sexual harassment as prohibited by Board policy JBA/GBN - Sexual Harassment and accompanying administrative regulation;
9. Use of tobacco, alcohol or drugs as prohibited by Board policies JFCH - Alcohol and JFCI Substance/ Drug Abuse;
10. Use or display of profane or obscene language;
11. Disruption of the school environment;
12. Open defiance of a teacher's authority, including persistent failure to comply with the lawful directions of teachers or school officials;
13. Violation of law, Board policy, administrative regulation, school or classroom rules.

The ESD recognizes that under the Unsafe School Choice Option of the No Child Left Behind Act of 2001 (NCLBA), a school can be deemed unsafe as a whole entity or for an individual student based on expulsions for weapons violations, violent behavior or expulsions for students arrested for the following criminal offenses occurring on ESD grounds, on ESD-sponsored transportation and/or at ESD-sponsored activities:

1. Assault;
2. Manufacture or delivery of a controlled substance;
3. Sexual crimes using force, threatened use of force or against incapacitated persons;
4. Arson;
5. Robbery;
6. Hate/Bias crimes;
7. Coercion; or
8. Kidnapping.

If applicable, the ESD will record and report these infractions to the Oregon Department of Education, as required. The ESD will provide the opportunity for all students in any district school identified as

persistently dangerous or for any victim of a violent criminal offense occurring in or on the grounds of the school the student attends, to the extent feasible, the opportunity to transfer to a safe school within the ESD.

The ESD shall publish a student handbook, code of conduct or other document and distribute to students, parents and employees outlining student conduct expectations and possible disciplinary actions. In addition, each school may publish a student/parent handbook detailing additional rules specific to that school. All rules applying to student conduct shall be posted in a prominent place in each school building.

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). Student Rights and Responsibilities