

# New law changes expulsion policy

## School leaders can now evaluate incidents on case-by-case basis

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Published: July 08, 2013 4:00AM PST

A law signed by Gov. John Kitzhaber in June erased Oregon's mandatory one-year expulsion policy for students who bring items deemed dangerous by administrators to school.

Previously, students were expelled regardless of their intent to use such an item.

The bill was introduced in January by Rep. Sara Gelser, D-Corvallis, chairwoman of the House Education Committee. It will take effect in the 2014-15 school year.

"The law is a commonsense approach to school discipline that allows administrators to make a case-by-case decision, and to not have them be stuck with an inappropriate response," Gelser said.

The old policy stems from the federal 1994 Guns-Free School Act, signed by President Bill Clinton and passed in response to a rash of school shootings. The law mandates that all states issue a one-year expulsion to any student who brings a firearm to school.

Oregon took the federal law one step further by extending "zero tolerance" toward any object that could be used as a weapon, not just firearms, Gelser said.

"The old Oregon law could be interpreted as including even a small pocket knife and things kids would have in school normally, like sharpened pencils or scissors," said Mark McKechnie, director of Youth, Rights & Justice, a Portland-based nonprofit that was instrumental in drafting the recent bill.

"Under the old law, students were even expelled for turning in items they did not realize they had brought to school," McKechnie added.

In one instance, a sixth-grade girl was expelled from the Forest Grove School District for having a pocket knife in her backpack at the time she scratched a boy on the hand. The boy and another student had been bullying the girl on a school bus.

"In that case and many others, the law didn't allow context to be taken into account," McKechnie said.

In written testimony to the House Education Committee, the girl's mother expressed frustration that the expulsion served as a "scarlet letter" for her daughter, hurting her self-esteem.

"She was being bullied and she was terrified, and most people will agree that an expulsion was not an appropriate response," Gelser said of the incident.

Under the new law, school districts are required to set guidelines for how to evaluate cases that may call for expulsion or suspension, including the possession of dangerous items. Nonetheless, the possession of a firearm or explosive device will still result in a mandatory expulsion.

"The changes allow the administrator to look at all the facts, including harm caused, future threats, and whether or not the student understood the consequences," McKechnie said.

The new law passed unanimously in the House and in the Senate with two senators excused. The breadth of the support signals a change in approaches to school discipline.

Studies by the Council of State Governments Justice Center have shown that both expulsions and suspensions increase the likelihood a student will drop out. The new law is in part targeted at Oregon's four-year high school graduation rate, which at 68 percent is the nation's fourth-lowest. By allowing school districts to set their own discipline policies, they will have the ability to issue not only fewer expulsions but also fewer suspensions.

According to the Oregon Department of Education, 4.4 percent of Bend-La Pine Schools students received out-of-school suspensions once or more during the 2011-12 school year, while the Redmond School District's rate was 8.1 percent. The average in Oregon is 5 percent. The expulsion rates were 0.7 percent in Bend-La Pine and 0.6 percent in Redmond, and 0.3 percent in the state overall.

For its part, the Redmond School District is waiting for a policy recommendation from the Oregon School Boards Association before setting its own policies, according to Kelly Richard, communications coordinator for the district.

Overall, the state issued 88,000 suspensions in the 2011-12 school year. According to McKechnie, more than half of those were issued for nonviolent and nondrug-related infractions.

"Students kept getting kicked out and coming back, and it wasn't helping. But we had a statute that emphasized expulsions and suspensions. It is a strategy that did not make schools safer," McKechnie said. "When students get back to school they'll be even further behind, and being away from school doesn't teach the lesson or skills they were missing."

In addition to contributing to the overall dropout rate, suspensions and expulsions disproportionately affect students who are already at risk of dropping out.

According to Jeffrey Sprague, co-director of the Institute on Violence and Destructive Behavior at the University of Oregon, minority and special-education students in Oregon are more likely to be expelled or suspended than their peers.

"There was a recognition that we're doing things to the most vulnerable student populations and they're not getting better," Sprague said. "There are toxic life outcomes associated with suspensions and expulsions, as they disrupt the valuable bonds students can form with adults in schools."

In the 1990s, an alternative form of discipline management was developed at UO, Positive Behavioral Interventions and Supports.

"In PBIS we began to emphasize that a negative response to behavior was inadequate and had a lot of negative consequences," Sprague said.

PBIS aims to help students understand why their disruptive behavior is problematic by setting and continually reinforcing a schoolwide culture. For administrators, the objective is to shift from punishing students to understanding their behavior and its causes.

Michael Mahoney, safe and healthy schools coordinator for the Oregon Department of Education, says the new law encourages school districts to adopt policies that incorporate PBIS.

"It's about a shift from punitive to preventative policies," said Mahoney. "If you have a problematic kid, the law now says, 'Let's involve mental health and counselors so we can really find out what's going on'; then we can actually help instead of just throwing the kid out."

Already in Oregon, 61 percent of schools have implemented some form of PBIS to address infractions unrelated to violent weapons.

Mahoney also said schools may implement policies based on restorative justice, a criminal rehabilitation process in which those who break the law work to rebuild relationships with their victims and the community.

The importance of these reforms extends beyond academic performance, as there exists a clear connection between excluding students from school and criminal behavior.

"Eighty-five percent of students in juvenile corrections have been suspended or expelled at least once," Mahoney said. "We're excluding more kids of color from schools, and they're disproportionately ending up in jail, too."

According to Sprague, researchers have called this relationship between school disciplinary policies and juvenile corrections the "school-to-prison pipeline."

"A suspension or expulsion doesn't cause all the problems, but it can be the nail in the coffin," Sprague said. "In the end, this new law will save kids' lives."

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