



NEWBERG

PUBLIC SCHOOLS

2020-2021

Student Code of Conduct

The Newberg School Board is committed to equity and excellence so every student will graduate with the knowledge and skills needed to be successful, contributing citizens of the 21st Century.

Newberg School District Equity Policy

We believe:

1. All students can be successful, have the capacity to learn, and can graduate as self-assured citizens when provided equitable access, equitable opportunities, and the appropriate support regardless of race, ethnicity, economics, mobility, language, family status, gender, sexual orientation, gender identity, disability, initial proficiencies, or religion. All students deserve an equitable allocation of resources, not necessarily equal.
2. Educational equity requires an inclusive environment to maximize student learning.
3. All District staff members have the capacity, responsibility and moral obligation to actively work towards eliminating disparities in student outcomes. Collective responsibility is key to eliminating the achievement gap while working to raise the achievement of all students.
4. The Newberg School District will excel only when all families are empowered as equal partners to inform and influence decisions throughout our school system.
5. The Newberg community will be able to reach its full potential only when all students are educated to the highest levels.

The District will fulfill its obligation to establish educational equity by creating barrier-free learning environments and eliminating practices that perpetuate the impact of contemporary and historic bias. No student will be educated toward a predetermined learning outcome based on class, socioeconomics, race, ethnicity, diverse language fluency, religion, gender, sexual orientation, cognitive/physical ability, or mobility.

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SECTION 1: OVERVIEW

Code of Conduct Philosophy

The Newberg School District is committed to providing safe, equitable, and effective learning environments where all students experience success. We know that developing and supporting safe learning environments is a result of ongoing collaboration and engagement with our parents, our staff, and our community. With this in mind, we strive to develop and implement a code of conduct that will:

- Assure students that they can learn in a safe and respectful environment and can be treated in a fair, consistent, and non-discriminatory manner.
- Ensure parental confidence in the ability of every school to provide a safe and inclusive school environment.
- Support school staff (administrators, teachers and support staff) with clear guidance to ensure that fair and inclusive practices are implemented consistently across buildings.

This code of conduct handbook also details the expectations, responsibilities, and rights of students, teachers, administrators, and parents/families as outlined by the state and federal guidelines. Safe schools and positive learning environments are a direct result of the commitment of students, staff, and parents to adhere to high standards. When we own these expectations, responsibilities, and rights together, we help each other make safe learning environments possible.

Parents and students, please take time to carefully read and discuss this handbook. If students, parents, families, school personnel, and community members work together to develop and maintain a safe, respectful, and inclusive environment, we can achieve excellence in the Newberg School District.

Students will show responsibility by:

- coming to school each day
- knowing and following school expectations

- working hard to do their best in class and in school work
- helping to keep their school safe (“If you see something, say something.”)
- asking for help when they need it
- showing respect for and cooperating with other students and adults
- letting staff know when school rules are broken
- respecting identity, race, ethnicity, religion, national origin, language, family economics, gender, culture, mobility, or disability

Parents will show responsibility by:

- having high expectations for their children as individuals
- ensuring their children attend school and be on time
- finding a place at home for school work and making sure work is completed
- helping their children learn and resolve conflicts in positive ways
- helping to keep their school safe (“If you see something, say something.”)
- communicating and working with teachers and other school staff to support and challenge their children
- respecting school staff
- respecting identity, race, ethnicity, religion, national origin, language, family economics, gender, culture, mobility, or disability

Staff will show responsibility by:

- respecting, encouraging and supporting students
- believing that all students can achieve and take action to create access for learning
- showing that they care about all students
- defining and communicating clear academic and behavioral expectations for students
- providing a safe, positive, and inclusive learning environment
- creating an atmosphere of open communication for students seeking help
- communicating and working with families to support and challenge their children
- respecting identity, race, ethnicity, religion, national origin, language, family economics, gender, culture, mobility, or disability

Community members will help students, parents and staff by:

- respecting, encouraging, and supporting them
- being active, contributing partners with the schools
- making Newberg a safe and welcoming place for them to live and work
- respecting identity, race, ethnicity, religion, national origin, language, family economics, gender, culture, mobility, or disability

Section 2: Code of Conduct

Disciplinary interventions and responses to student conduct

Newberg School District expects and encourages our students to be safe and make healthy decisions regarding their behavior. When students make poor decisions, there may be interventions and responses to those actions that are age appropriate and use approaches that are research based. This handbook applies to students at all times while they are on Newberg School District property, at any school-sponsored activity, including field trips, and while traveling to and from school, or any school-sponsored event.

Successful disciplinary practices have the following characteristics:

- They are explicit, reasonable, and timely.
- They are logical, fair, consistent, and developmentally appropriate.
- They include a variety of prevention and intervention measures.
- They provide the opportunity for parent/family and student participation.
- They respond to individual differences among students with insight and sensitivity.
- They ensure the opportunity for students to obtain an education.
- They address the needs of the student who engages in misconduct, the needs of those who were affected by the misconduct, and the needs of the overall school community.

Levels of Intervention and Disciplinary Response

Each level of intervention and discipline in this section may include the strategies described below, but is not in any way limited to those strategies or options that are specifically listed.

LEVEL 1

Classroom Interventions and responses. Quality classroom instruction and management result in increased student engagement and decreased behavioral issues. These interventions aim to support lagging skills so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies.

School-Based Interventions. These interventions often involve support staff, both school-based and within the broader community, to create an active support system, ensuring successful learning, and consistency of interventions. The overall goal is to change the conditions contributing to the student's inappropriate or disruptive behavior.

LEVEL 2

Intensive support and administrative staff interventions and responses. These interventions should involve the school administration. The overall goal is to correct behavior by keeping the student in school.

LEVEL 3

Suspension and referral responses. These interventions may involve the removal of a student from the school environment because of the severity of the behavior. The duration of the suspension, if issued, is to be limited as much as possible while still adequately addressing the behavior.

LEVEL 4

Extended suspension and referral responses. These interventions involve the removal of a student from the school environment because of the severity of the behavior. They may involve the placement of the student in an alternative environment that provides additional structure to address behavior. These interventions focus on maintaining the safety of the school community, and ending self-destructive/dangerous behavior.

[Student Conduct Guidelines A-D](#)

[Student Conduct Guidelines E-R](#)

[Student Conduct Guidelines S-W](#)

[Student Conduct Guidelines W-Z](#)

DEFINITIONS

Academic Integrity

Cheating, plagiarizing, presenting another person's work as your own, or any misrepresentation of the truth about your work.

Assault

Intentionally, knowingly, or recklessly causing physical injury to another.

Automobile Misuse

Not following rules and regulations concerning vehicles on school premises. Students driving licensed motor vehicles shall register the vehicle with the school office and should park in the designated areas. Registered cars are not to be used during the school hours without parental permission and/or school authorization. Only high school students are permitted to drive a motor vehicle to school. (See Board Policy [JHFD](#) for more details)

Bias Incidents/Symbols of Hate

The presence of symbols of hate on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including, but not limited to, the noose, swastika, or confederate flag create a material and substantial disruption in school activities and the learning environment by creating an atmosphere of fear and intimidation and interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

Bullying/Harassment

"Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities, or performance that may be based on, but not limited to, the protected class status of a person, as defined in Board Policy JFCF. Bullying and harassment is unwanted, aggressive behavior that involves a real, or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. It includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose. It has the effect of:

1. Physically harming a student or damaging a student's property;
2. Knowingly placing a student in reasonable fear or physical harm to the student or damage to the student's property;

3. Creating a hostile educational environment including interfering with the psychological well being of the student.

“Cyberbullying” is the use of any electronic communication device to convey a message in any form (text, image, audio, or video) that defames, intimidates, harasses or is otherwise intended to harm, insult, or humiliate another in a deliberate, repeated, or hostile and unwanted manner under a person’s true or false identity. In addition, any communication of this form which substantially disrupts or prevents a safe and positive educational environment may also be considered cyberbullying. Students will refrain from using personal communication devices or district property to harass or stalk another. Reports of bullying, as defined in the handbook, MAY be reported to the School Resource Officer (SRO) of the involved school.

This code also applies to harassing, intimidating, or bullying conduct directed at staff or volunteers. (See Board Policy [JFCF-AR](#) for more details)

Bus Misconduct

The bus driver is responsible for the safety of the students, and staff members are responsible for maintaining order during field trips and establishing departure times unless hazardous conditions exist. Video cameras may be used on District transportation vehicles transporting students to and from school and/or extracurricular activities.

Students may receive a bus citation, forfeit his/her privilege to ride on the bus, and/or may receive consequential actions from the Range of Consequences, as described in this *Code of Conduct* if the following expectations are not followed:

1. The student is prohibited from fighting, wrestling, or what is defined as other boisterous activities.
2. The student shall use the emergency door only in case of emergency.
3. The student shall be on time for the bus both morning and evening.
4. The student shall not bring animals (except approved guide animals), glass, firearms, weapons, or other potentially hazardous material on the bus.
5. The student shall remain seated while the bus is in motion.
6. The student may be assigned a seat by the bus driver.
7. When necessary to cross the road, the student shall cross in front of the bus or as instructed by the bus driver.
8. The student shall not extend his/her hands, arms, or head through bus windows.
9. The student shall have written permission to leave the bus at a point other than at home or school.
10. The student shall converse in what is defined as normal tones; loud or vulgar language is prohibited.

11. The student shall not open or close windows without permission of the driver.
12. The student shall not throw items out of open bus windows.
13. The student shall keep the bus clean and must refrain from damaging the bus.
14. The student shall be courteous to the driver, to other students, and to passersby.
15. The student shall refrain from eating or drinking on the bus unless specific permission is granted by the driver. (See Board Policy [EEACC-AR](#) for more details)

Closed Campus

Leaving school property without approved prearranged permission on file in the school office. (See Board Policy [JEFA](#) for more details)

Defiance of Authority

Refusal to follow the reasonable requests of District personnel and/or designated authority.

Disorderly/Disruptive Conduct

Language or behavior which disrupts and/or interferes with the educational process. Using the phone system or fire alarm system to disrupt the operations of the school or the educational environment (Fire Marshall must be contacted).

Disruptive Appearance/Student Dress

Dress and grooming are primary responsibilities of students and parents/guardians. However, students may be directed to change dress or grooming if it interferes with the learning process or school climate, or threatens the health or safety of the student or others. Clothing, jewelry, or wording/graphics on clothing or on the person that is sexually suggestive, drug or alcohol-related, vulgar, racist, which depicts violence, insulting, gang membership related, or ridicules a particular person or group is prohibited. (See Board Policy [JFCA-AR](#) for more details)

Drugs/Alcohol

The use, possession, sale, solicitation, distribution, or being under the influence of alcohol, drugs, or other intoxicants. This includes, but is not limited to, the possession of drug paraphernalia, "look-alike drugs," and over-the counter-medication. Distribution includes selling and/or providing alcohol, drugs, or other intoxicants to another student with the intent for consumption or distribution. (See Board Policies [JFCG](#) and [JFCG/KGC](#) for more details)

Extortion

Demanding money, or something of value (e.g., lunch) from another person in return for protection from violence or threat of violence.

Fighting

A hostile physical encounter between two or more individuals.

Fire Setting/Attempted Fire Setting/Fire Play

Using fire to destroy or attempt to destroy property.

Fire Tools/Ignition Sources

Possession of, threatening to use, or the deliberate act of using fire tools or other ignition sources is prohibited. Fire Tools are defined as: any tool that creates a form of heat by creating a flame or spark, including, but not limited to, matches, cigarette lighters, and multipurpose lighters (BBQ). Ignition Sources other than fire tools are defined as any form of heat, which instigates or may be used to propagate fire and includes, but is not limited to, candles, road flares, fuses, and fireworks.

Forgery/Lying

Writing or giving false or misleading information to school officials by forging parent's, guardian's, or any other person's signature on any letter, electronic communication, or other school document; and/or any other misrepresentation of the truth.

Gambling

Participating in games of chance for the purpose of exchanging money and other things of value.

Gangs

Students who participate in gang-related activities at school or school functions - such as possession or display of gang-related clothing, symbols, or paraphernalia; distribution of gang literature or materials; display of gang-related posters or graffiti, signs, or signals, harassment or intimidation of others; or recruitment for gang membership - will be subject to strict disciplinary measures.

Loitering

Students are not to be in the building before or after school hours unless they are supervised by an adult. This policy is being implemented to decrease theft, vandalism, and to create a safe school environment. Students who are staying after school should be in their supervised area 30 minutes after school ends. Students who are loitering will be escorted out of the building.

Medication

Distribution, sharing, and/or selling of controlled substances (prescription medication), or the distribution, sharing of non-medical use of prescription or over the counter medications or supplements, is prohibited. The use, possession, or taking affirmative action to possess any drug prescribed to anyone other than the prescribed user is prohibited. Possession and use of medication is allowed if the parent/guardian and student follow District policy procedures on administering medicines to students. (See Board Policy [JHCDA](#) for more details)

Obscene Conduct/Profanity

Indecent exposure and/or the use of obscenity, profanity, whether oral, written, or gestured. This includes possession, selling, sharing, and distribution of obscene materials.

Physical Altercation Minor

Confrontation, tussle, or physical aggression that does not result in injury.

Recklessly Endangering

Reckless, unintentional conduct that creates a substantial risk of physical injury to another person and/or self.

Sexual Harassment

Sexual harassment is prohibited conduct. It may be verbal, visual, written, electronic, or physical in nature and includes unwelcome sexual advances, requests for sexual favors, and/or physical touching that creates an intimidating, hostile, or offensive environment. (See Board Policy [JBA](#) for more details)

Tardiness

Arriving late to school and/or class.

Technology Misuse

Inappropriate use of internet or network access. The use of District hardware, software, and communication systems is to support learning and research. This includes internal/external access to information services, databases, and other communication tools.

Personal computers and communication devices may be used with the understanding that all expectations and criteria listed below apply:

- All users will understand and comply with all District regulations and with all legal requirements related to the use of electronic communications.

- Users shall employ electronic communications in a thoughtful manner that is respectful of the language and content sensitivities of individuals and that is appropriate within an educational environment.
- All communications shall be conducted so that both sender and recipient are fully and accurately identifiable.
- All users shall maintain personal responsibility for the financial obligations incurred while using the District’s electronic communication services.
(See Board Policy [IIBGA-AR](#) for more details)

Theft

Taking, giving, selling, or receiving property not belonging to you. Knowingly possessing any stolen property or property reported lost or missing.

Threats/Menacing

An intentional, serious threat by word (electronic, telephone, written, or spoken) or act (including physical, verbal, and/or bullying/threatening), which places another person in fear of imminent serious physical injury (ORS 339.250[3]). This includes, but is not limited to, words, target lists, surveys, or conduct directed toward another person. (See Board Policy [JFCM-AR](#) for more details)

Tobacco/Inhalant Delivery Systems

Student possession or use of tobacco (smoking, smokeless, or a look-alike substance in any form) on or within 1000 feet of the school premises or while attending school-sponsored activities. “Inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of vapor or aerosol to a person inhaling from the device. (See Board Policy [JFCG/KGC](#) for more details)

Trespassing

Being present in unauthorized places or refusing to leave when asked to do so by District personnel and/or designated authority. Entering or remaining unlawfully in School District buildings or on any part of District property or adjacent areas.

Unexcused Absence

Any absence which has not been excused by the parent or legal guardian and appropriate school official.

Vandalism

Intentionally damaging, defacing (including tagging/graffiti), or destroying property. Vandalism is the willful or malicious destruction or defacement of public or private property.

Weapons

The use, possession or sale of a dangerous or deadly weapon, other than a firearm, or the use of any object to inflict bodily injury to another person. If a look-alike weapon is possessed or used to threaten and intimidate, the consequences may be the same as if the weapon was real. (See Board Policy [JFCJ](#) for more details)

Weapons - Firearms

The use, possession, or sale of a firearm. A firearm is defined by Federal law as any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. (See Board Policy [JFCJ](#) for more details)

SECTION 3: DETAILS OF DISCIPLINE POLICIES

District Discipline Policies and Procedures for Serious Misconduct

Suspension Process

Suspension (in or out of school) temporarily removes from a student the right of attending school or school activities and/or being on District school property. After reviewing the available information, suspensions may be made by the principal or assistant principal (with the approval of the principal). The length of the suspension shall be determined by the severity of the act and previous behavior of the student.

In all cases, an administrator will notify the parent/guardian and the procedure for reinstatement will be explained. There is no appeal process beyond the school principal.

The period of suspension is not to exceed a maximum of ten (10) school days. In specific circumstances, a suspension may be continued until some specific pending action occurs such as physical or mental examination or incarceration by court action.

The use of out-of-school suspension or expulsion for discipline of a student in the fifth grade or below, is limited to:

1. Non-accidental conduct causing serious physical harm to a student or employee;
2. 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
3. When the suspension or expulsion is required by law.

(See Board Policy [JGD](#) for more details)

Expulsion Process

Expulsion is the termination of the student's right to attend school, school activities, and/or be on any School District property for a substantial period not to extend beyond one calendar year. 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.

Expulsions shall be recommended by the school principal to the appropriate District Administrator. District procedures provide for written notification to the student's parents, identification of alternative education options (in appropriate circumstances), and information concerning the right to an expulsion hearing. In case the parent or student have difficulty understanding the English language or have other serious communication difficulties, the District will provide an interpreter.

The student will be suspended by the principal pending expulsion. The Administrator's decision, or if a hearing has been requested, the decision by the hearing's officer, will be communicated to the Superintendent. If the student and/or parent believe there has been a violation of due process, they may appeal the decision to the School Board.

In cases where the student brings a firearm or dangerous weapon to school or is in possession of a firearm or dangerous weapon at school, the expulsion period will be no less than one calendar year in length unless a modification is warranted.

In cases where students are being recommended for expulsion for violations of the following codes, a Safety Plan must be submitted to the District Administrator as part of the Expulsion Packet.

(See Board Policy [JGE-AR](#) for more details)

Disciplinary Removals: Special Education & Section 504

Special procedures must be followed if a student with a disability is suspended or expelled, and a relationship is shown between the behavior and the disability. If an expulsion hearing is requested, the student will be permitted to have a representative present at the hearing to advise and to present arguments. The representative may be an attorney or parent. The school district's attorney may be present. The student will be afforded the right to present his/ her version of the charges and to introduce evidence by testimony, writings or other exhibits at the expulsion hearing.

Under IDEA and Section 504, additional procedures apply in instances of discipline to students for whom the school is deemed to have knowledge that the child might have a disability (e.g. students who have not yet been found eligible but the school had a basis of knowledge of a disability, including students who have been referred for initial evaluation).

Finally, the student will be permitted to be present and to hear the evidence presented by the District. For students with disabilities, the right to due process is extended through IDEA and Section 504 of the Rehabilitation Act of 1973.

Disciplinary Removals for Up to 10 School Days

Newberg School District may suspend students with disabilities from their current educational placement for up to 10 school days in a school year to the same extent, and with the same notice, as for students without disabilities. The District is not required to provide services to special education students unless services are provided to students without disabilities during this time. For drug and alcohol offenses committed by students with disabilities with IEPs, special education due process protections must be followed.

If a student with a disability under Section 504 commits a drug/alcohol offense (such as possession, sale, or distribution of drugs/alcohol), and is currently engaged in the illegal use of drugs or alcohol, a school may impose any disciplinary measures imposed on students without disabilities. No manifestation determination or other Section 504 due process procedures are required.

Disciplinary Removals of More Than 10 School Days (Consecutive or Cumulative)

When a student is removed for disciplinary reasons, it is considered a change of placement if:

- The removal is for more than 10 CONSECUTIVE school days or;
- The removal is for more than 10 CUMULATIVE school days.

Manifestation Determination

A Manifestation Determination meeting must be held within 10 school days of a decision to change the student's placement because of a violation of a code of student conduct. Relevant members of the IEP team, including the parent, shall review all relevant information to determine:

- If the conduct was caused by or had a direct and substantial relationship to the student's disability; or
- If the conduct was the direct result of the District's failure to implement the student's IEP.

Yes: Manifestation

If either of the above two bulleted items is applicable to the student, the conduct shall be determined to be a manifestation of the child's disability. The IEP team shall conduct a functional behavioral assessment, unless the District has already conducted such assessment prior to the behavior that resulted in the change of placement, and implement a behavior intervention plan or, if the student already has a behavior plan, review and modify the behavior intervention plan as necessary to address the behavior. In any case, the District shall return the student to the placement from which the student was removed unless:

- The student is removed to an interim alternative educational setting for no more than 45 school days due to drugs, weapons or the infliction of serious bodily injury; or
- The parent and the District agree to a change of placement; or
- The student's placement is changed based on an IEP team decision.

No: Manifestation

If the IEP team determines that the student's behavior is NOT a manifestation of the disability, the District may proceed with disciplinary action applicable to students without disabilities, in the same manner in which it would apply to students without disabilities. The District will:

- Ensure that the special education and disciplinary records of the student are transmitted for consideration by the school personnel making the final determination for disciplinary action.
- Provide the services in an Alternative Educational Setting, determined by the IEP team, that are necessary for the student to continue to participate in the general curriculum, and progress toward achieving the goals in the student's IEP.
- Ensure that the student receives, as appropriate, a functional behavioral assessment, behavior intervention services and modifications that are designed to address the behavior violation so it does not recur.
- Provide prior written notice of change of placement if the student's educational placement changes.

Removal to an Interim Alternative Educational Setting for Drugs, Weapons or the Infliction of Serious Bodily Injury

For a drug or weapon violation, or if the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state or district, for each incidence a student may be removed from the current educational placement to an Interim Alternative Educational Setting for the same amount of time that a

student without a disability would be subject to discipline, but NOT for more than 45 school days.

Even if the IEP team determines the student's behavior is a manifestation of the student's disability, the District may continue the student's placement in the Interim Educational Setting until the end of the 45-school day period. This removal is a change in placement.

"Serious Bodily Injury" is defined as a bodily injury that involves:

- A substantial risk of death;
- Extreme physical pain;
- Protracted and obvious disfigurement; or
- Protracted loss or impairment of the function of a bodily member, organ or mental faculty.

If a student is removed for a drug or weapon violation, or for inflicting serious bodily injury as defined above, the District will:

- Schedule an IEP meeting which will be convened within 10 school days;
- Provide the parent with notice of disciplinary action for a suspension or expulsion, and provide the parents with Notice of Procedural Safeguards on the date the decision is made to remove the student.
- Provide, as appropriate, a functional behavioral assessment, behavior intervention services and modifications designed to address the behavior violation so it does not reoccur.

The principal or their designee decides whether a student will attend an Interim Alternative Educational Setting.

Exceptions

The Gun Free Schools Act applies to students covered under Section 504 to the same extent it does to students who are IDEA eligible. The Gun-Free Schools Act requires districts to expel any student who brings a "weapon" to school for at least one year. However, state law must allow a district's chief administering officer to modify the expulsion requirement for a student on a case-by-case basis. Considering the impact of the student's disability on his or her behavior is one of the considerations that must be made on a case-by-case basis.

Serious Misconduct Processes and Procedures

Alcohol and/or Dangerous Drugs

Use, Possession and/or Intent to Possess

Students who possess, or take action to possess drug paraphernalia and/or use, possess, or take action to possess, or are under the influence of dangerous drugs, and/or alcohol at school, while traveling to and from school, at school sponsored events, while at other schools in the District, and while off campus whenever such conduct has a direct effect on the discipline or general welfare of the school, are subject to immediate suspension and/or expulsion. The student is also subject to additional educational programs and obligations established by the District.

First Offense

The principal or assistant principal shall:

1. Notify and request a conference with the parents/guardians of the student.
2. Suspend the student for the violation of the District rules for up to ten (10) school days, with the expulsion recommendation pending.
3. Turn over all drug-related evidence to the appropriate law enforcement agency.
4. Require that for a student to be readmitted into the District educational programs, a chemical abuse evaluation be performed by an approved third party, off campus, at the parent's expense. The student and parents/guardians must agree to fulfill the recommendation of the evaluator and submit written progress reports to the principal or designee.

As a result of a first offense, random searches of the student's person and property may be required to ensure safety. Parents and students will be asked to acknowledge this change in status.

If a chemical abuse assessment is not completed or if the student does not comply with the treatment recommendations, the student may be recommended for expulsion pursuant to ORS 339.250. Failure to continue or complete a recommended treatment program may result in a recommendation for expulsion at any time during the course of the plan unless discontinuation is decided upon by the agreement between the parents and the building administrator.

Second Offense

The student will be suspended with a recommendation for expulsion pursuant to ORS 339.250.

The principal or assistant principal shall:

1. Notify and request a conference with the parents/guardians of the student.
2. Turn over all drug-related evidence to the appropriate law enforcement agency.

Selling/Distributing Drugs including Alcohol

Students who share, sell, trade and/or distribute alcohol, or other dangerous drugs, or drug paraphernalia to other students or persons at school, while traveling to and from school, at school sponsored events, or while at other schools in the District are subject to the following disciplinary procedures:

First Offense

The principal or assistant principal shall:

1. Notify and request a conference with the parents/guardians of the student.
2. Turn over all drug-related evidence to the appropriate law enforcement agency.
3. Suspend the student with a recommendation for expulsion pursuant to ORS 339.250.

Bias Incidents/Symbols of Hate

The presence of symbols of hate on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including, but not limited to, the noose, swastika, or confederate flag create a material and substantial disruption in school activities and the learning environment by creating an atmosphere of fear and intimidation and interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

Definitions

“Bias Incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias Incidents may include derogatory language or behavior directed at or about any of the preceding demographic groups.

“Symbol of Hate” means a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or nation origin including the

noose, swastika, or confederate flag, and whose display is reasonably likely to cause a substantial disruption of or material interference with school activities, or is reasonably likely to interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

Symbol of Hate Prohibitions

Oregon Administrative Rule [OAR 581-022-2312](#) prohibits the use or display of any symbols of hate, including at a minimum the noose, swastika, or confederate flag, on school grounds or in any program, service, school or activity where the program, service, school or activity except where used in teaching curriculum that is aligned to the Oregon State Standards.

Complaint Process

All complaints of bias incidents or to report symbols of hate shall follow the steps outlined in Board Policy JFH, and Administrative Regulation JFH/KL-AR available at <https://policy.osba.org/newberg>

Bullying/Harassment

The District is committed to providing a positive and productive learning/working environment. Hazing, harassment, dating violence, intimidation, menacing, bullying, and acts of cyberbullying by students, is unacceptable behavior and strictly prohibited. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Race/National Origin Discrimination and Harassment

Race/National Origin discrimination is when a person is treated less favorably than another person in a similar situation because of their race, color, descent, national or ethnic origin or immigrant status. Racism, specifically, can include harassing a person because of that person's race or color. Harassment can include, for example, racial slurs, offensive or derogatory remarks about a person's race or color, or the display of racially-offensive or white supremacist symbols (e.g. swastikas, confederate flags and other white supremacy symbols, etc.)

Every person within the NSD community should be treated with dignity and assured safety, security and equality. Individuals may not exercise personal freedoms in ways that invade or violate the rights of others. Acts of violence and harassment reflecting bias or intolerance of race are unacceptable and if such acts of violence or harassment occur, appropriate corrective action will be taken.

Students who believe they are the victim of or witness race/national origin harassment or racist language should immediately report the incident to their school administrator, counselor, a trusted staff member, or their family. School officials will investigate the incident and will notify the parent(s) of both the victim and perpetrator. Furthermore, the school administrator will assign a range of consequences up to and including expulsion.

Sexual Orientation/Gender Identity Discrimination and Harassment

Sexual Orientation/Gender Identity discrimination is when a person is treated less favorably than another person in a similar situation because of their sexual orientation or gender identity. Harassment can include, for example, homophobic slurs, offensive or derogatory remarks about a person's sexual orientation or gender identity, or the display of offensive symbols.

Every person within the NSD community should be treated with dignity and assured safety, security and equality. Individuals may not exercise personal freedoms in ways that invade or violate the rights of others. Acts of violence and harassment reflecting bias or intolerance of sexual orientation and/or gender identity are unacceptable and if such acts of violence or harassment occur, appropriate corrective action will be taken.

Students who believe they are the victim of or witness sexual orientation/gender identity harassment or homophobic language should immediately report the incident to their school administrator, counselor, a trusted staff member, or their family. School officials will investigate the incident and will notify the parent(s) of both the victim and perpetrator. Furthermore, the school administrator will assign a range of consequences up to and including expulsion.

Students whose behavior is found to be in violation of this policy shall be subject to discipline, up to and including expulsion. The District may also file a request with the Oregon Department of Transportation to suspend the driving privileges or the right to apply for driving privileges of a student 15 years of age or older who has been suspended at least twice or expelled for assaulting or menacing another student, staff or third party, willful damage or injury to District property, or for the use of threats, intimidation, harassment or coercion against another student, staff or third party. Students may also be referred to law enforcement officials.

Complaint Process

1. Any information shall be presented to the building principal. All such information shall be written and include the specific nature of the offense and corresponding dates.

2. The principal receiving the complaint shall promptly investigate. During the investigation, the principal will:
 - a. Notify parents of the complaint involving their student.
 - b. Give all concerned parties the opportunity to respond to the complaint.
 - c. Submit all findings related to the complaint to the superintendent/designee.
 - d. Notify the complainant and parents as appropriate, when the investigation is concluded and a decision about next steps is determined.
3. If the complainant is not satisfied with the decision at Step 2, they may submit a written appeal to the superintendent/designee. Such appeal must be filed within ten (10) working days after the receipt of the Step 2 decision.
4. If the complainant is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within ten (10) working days after receipt of the Step 2 decision.
5. Direct complaints related to the educational programs and services may be made to the U.S. Department of Education, Office of Civil Rights.
(See Board Policy [JFH/KL-AR](#) for more details)

Sexual Harassment

The District complies with and enforces all sexual harassment laws and regulations applicable to students. Sexual harassment is prohibited between students, by students to adults and by adults to students. The District shall comply with the applicable provisions of the Civil Rights Act of 1991 (42 U.S.C. Sec. 1981a). EEOC Sexual Harassment Guidelines (29 C.F.R. Part 160411), Title IX Regulations (34 C.F.R. Part 106; 45 C.F.R. Part 86; 7 C.F.R. Part 15a).

The District will promptly and reasonably investigate allegations of sexual harassment. Any student or employee who has knowledge of conduct in violation of this policy or feels they are a victim of sexual harassment must immediately report their concerns to the building principal, compliance officer, or superintendent, who has overall responsibility for all investigations. A student may also report concerns to a teacher, counselor, or school nurse, who shall promptly notify the appropriate District or school official.

Complaint Process

1. Any student who believes they have been subjected to sexual harassment should immediately report the incident to the building principal and complete the Student Harassment Complaint Investigation Form attached to Board Policy [JBA-AR](#).
2. When the Student Harassment Complaint Investigation Form is completed and provided to the principal or Superintendent, a conference will be held with the complainant

within five (5) school days. A written response will be given to the complainant within ten (10) school days following the conference.

3. If the complainant is not satisfied with the decision of the building principal, they may submit a written appeal to the Superintendent. The Superintendent or designee shall meet with all parties involved to discuss the complaint and will respond, in writing, to the complainant within ten (10) school days.
4. If the complaint is not satisfactorily settled, an appeal may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.
5. Confidentiality will be maintained and no reprisals or retaliation will be allowed to occur because of the good-faith reporting of charges of sexual harassment. (See Board Policy [JBA-AR](#))

Tobacco/Inhalant Delivery Systems

Student possession or use of tobacco (smoking, smokeless, or a look-alike substance) in any form on or near (within 1000 ft.) the school premises or while attending school-sponsored activities is prohibited. Tobacco violations are cumulative, grades K-5, 6-8, 9-12. "Inhalant delivery system" means a device that can be used to deliver nicotine or cannabinoids in the form of vapor or aerosol to a person inhaling from the device.

First offense

The principal or assistant principal shall:

- Notify the parents/guardians of the student.
- Turn over all tobacco-related evidence to the appropriate law enforcement agency.
- Decide on the specific consequence aligned with one or more of the following:
 - Successful completion of a tobacco/smoking cessation education program that meets program standards approved by the administrator.
 - 10 hours of community service or any other intervention deemed appropriate by the administrator.

Second offense

The principal or assistant principal shall:

- Notify the parents/guardians of the student.
- Turn over all tobacco-related evidence to the appropriate law enforcement agency.
- Decide on the specific consequence aligned with one or more of the following:

- 15 hours of community service, additional tobacco cessation classes, in-school suspension or any other intervention deemed appropriate by the administrator.
- The student may, in addition to the above, be suspended from school activities for a period of time consistent with other District rules governing student conduct.

Third offense

The principal or assistant principal shall:

- Notify the parents/guardians of the student.
- Turn over all tobacco-related evidence to the appropriate law enforcement agency.
- Decide on the specific consequence aligned with one or more of the following:
 - 20 hours of community service, additional tobacco cessation classes, in-school suspension, out-of-school suspension not to exceed 3 days, or any other intervention deemed appropriate by the administrator.
 - The student may, in addition to the above, be suspended from school activities for a period of time consistent with other District rules governing student conduct.

Fourth offense

The principal or assistant principal will:

- Notify the parents/guardians of the student.
- Turn over all tobacco-related evidence to the appropriate law enforcement agency.

In addition, the administrator may:

- Recommend expulsion pursuant to ORS 339.250.

A Student’s Right to Hear His or Her Accuser

Complaints and Accusations Made by Staff Members:

A student may hear directly from the teacher or other staff member the specific complaints or descriptions of unacceptable behavior.

Complaints and Accusations Made by Other Students:

In recognition of the special jeopardy in which student witnesses may be placed, and considering the possible traumatic effects on a student witness of adversary proceedings, the complaining student may not be required to face the accused nor to have their identity revealed. When it is determined that a complaining student ought not face the accused, a school official may then become the official complainant. However, extreme care must be exercised by school officials to ensure that a student is not unjustly disciplined based on false or on hearsay evidence. Student witness anonymity may not be protected in expulsion hearings or legal proceedings involving attorneys, police officers, and/or court officials.

Required Reports to Law Enforcement and Fire Marshall

Violations of the District's rules related to guns, dangerous weapons, vandalism, the intentional or reckless destruction of school property, and causing severe bodily injury must be reported to the police. A school official shall inform the appropriate law enforcement agencies when a student is suspected of committing other illegal acts on the school campus or at a school-sponsored activity.

When a student violates Code 14, fire personnel at Tualatin Valley Fire and Rescue will be contacted. The fire personnel will assess the behavior of the person in question and will provide fire safety education and/or a referral for treatment. Evaluation and education is usually provided by the local fire service.

Denial of Admission to Regular School Program

The School District will deny admission to its regular school program to a student who is expelled from another school district and who has moved into the Newberg School District for the length of the expulsion. The District will provide an alternative learning environment for the student.

Denial of Admission to Regular School Program and Alternative Education Program for Weapons Violations

If a resident student or a student transferring into the District is expelled for a weapons violation, pursuant to Section (6) of **ORS 339.250**, the District will deny that student admission to the school's regular program for at least one calendar year from the date of the expulsion.

In addition, the District will not offer an alternative education program to students expelled for weapons violations pursuant to section (10) of **ORS 339.250** for at least one calendar year from the date of the expulsion subject to modifications by the Superintendent on a case-by-case basis.

Threat Assessment

The Newberg School District utilizes the WESD Student Threat Assessment and Management System to investigate and assess students who are engaged in or exhibiting behaviors implying aggression or violence directed at other people. This system combines the use of investigative information gathering strategies along with questions related to targeted violence. The purpose is to collect data to help make informed decisions about a student's level of threat towards others, identify potentially dangerous situations, and develop and implement a safety/monitoring/management plan.

"Risk Investigation" and "Risk Assessment" are part of the Threat Assessment process. If a student/staff suspects there is a targeted threat of violence, building administrators and the NDPD School Resource Officer will be notified. This assessment is not designed for use with students who are suicidal, acting out sexually, or setting fires, unless they are doing so as an act of violence intended to cause serious or lethal injury to others.

The Student Threat Assessment and Management System is utilized to:

- provide a protocol to assess threats of potentially harmful behaviors, risk factors, and action required to support school safety.
- provide a multilevel system that can mobilize broader community responses and resources to help facilitate the development and implementation of safety monitoring and management plans.
- develop and maintain a sense of safety among students, teachers, staff, and parents/guardians.

The system consists of the following levels:

1. Inquiry

A School Administrator investigates the incident, consults with another member of the building level Student Threat Assessment Team (STAT) and determines the need for a Level 1 Threat Assessment based on the threat assessment criteria. Before implementing a Level 1 Threat Assessment, the parent will be notified and the student will be sent home until the team determines the safety of their return. The team will include the parent in the collection of evidence, including home surveys, and extend an invitation to attend the Level 1 team meeting to share feedback and personal observations.

2. Level 1

A building level STAT team, consisting of an administrator, SRO, school psychologist and/or school counselor, and case manager, if the incident involves a student with disabilities, meets to assess the potential threat. The team may involve other participants in the Level 1 process, including family members, and/or request consultation from the WESD threat assessment consultant.

3. Level 2

If the Level 1 STAT team determines there is need for further assessment, assistance in development of the Student Safety Management Plan, or concerns that cannot be addressed at the Level 1 then the case will be referred to the Level 2 team. The Level 1 team will contact the WESD threat consultant to initiate the referral. Level 2 Teams are a panel of multi-agency members from the School District, local Law Enforcement, and the Yamhill County Mental Health Department that assists school based STAT members with threat management and identification of resources.

SECTION 4: EXTENDED DEFINITIONS/PROCEDURES

District Discipline Policies and Procedures for Specific Infractions

Disruptive Appearance/Student Dress

Student dress is the responsibility of the student and parents. Students shall dress properly for school and in a manner that is not disruptive to the learning environment. In order to provide an atmosphere conducive to learning and to ensure the safety, health and well-being of all students and staff, all students shall follow the guidelines listed below:

- Students may not wear clothing with writing, slogans, pictures or symbols that portray alcohol, tobacco, other drugs (or their manufacturers) or weapons.
- Students may not wear clothing with writing, slogans, pictures or symbols that depict obscenities, vulgarity, racism, homophobia, violence, sex, gang affiliation or hostility to any group of people or organizations.
- Students must wear clothing including a shirt, pants or skirt (or the equivalent), and shoes. Shirts and dresses must have fabric in the front and on the sides. Clothing must cover undergarments (waistbands and bra straps excluded). Fabric must cover all private parts and must not be see-through.
- Students in middle school and high school may wear hats, caps, or other head apparel in the school building, as long as the face and ears are visible. Head apparel which is part of a student's customary religious attire is permissible. All students must be identifiable by staff.
- Students must wear clothing that is suitable for all scheduled classroom activities including physical education, science labs, wood shop, and other activities where unique hazards exist.

- Students in specialized courses may be required to wear specialized attire, such as sports uniforms or safety gear.

The principal or designee shall make the decision if a student's appearance meets the dress code standards. The principal's decision on the propriety of dress is final.

Violations of the dress code shall result in the student changing into proper attire and returning to class. In addition, the following range of consequences may be implemented:

1. Verbal warning;
2. Written warning requiring a reply from the student's parent or guardian;
3. Parent conference;
4. In-school or out of school suspension;
5. Expulsion for serious or continuing infractions.

Violations of this dress code shall be treated as disruptive behavior in violation of the student code of conduct. However, dress-code violations shall not carry over on the student's discipline record to subsequent years.

This dress code shall apply to students at all times when they attend school or any school District facility or when representing the District at any school-sponsored event.

Technology Misuse

Electronic Communication Services as defined by Administrative Regulation IIBGA-AR include, but are not limited to:

- Bluetooth devices
- Cameras
- E-mail
- Google Suite Products (Google Classroom, Google Meets, etc.)
- Online file storage
- Smart watches
- Social Media
- Telephone
- Text messaging
- Voice mail
- Web pages
- Wired & Wireless networks

The use of District hardware, software, and communication systems is to support learning and research. This includes internal/external access to information services, databases, and other communication tools. Personal computers and communication devices may be used with the understanding that all expectations and criteria listed below apply. It is expected that Newberg School District electronic devices will be used in a responsible, efficient, ethical, and legal manner.

Use and possession of personal electronic devices are allowed on District property and at school-sponsored activities provided such devices are not used in any manner that may disrupt the learning environment, school sponsored activities, or violate School Board policies, administrative regulations, school or classroom rules, and state and federal law.

Students must adhere to the following criteria in using electronic communication tools and resources:

- It is expected that all users will understand and comply with all District regulations and with all legal requirements related to the use of electronic communications.
- The District's electronic tools and resources shall be used for educational purposes consistent with the District's mission, priorities and beliefs. Educational purposes do not include commercial use, use for personal financial gain or political advocacy. Students have no reasonable expectation of privacy with respect to use of the District's computer or communication systems.
- Users shall employ electronic communications in a thoughtful manner that is respectful of the language and content sensitivities of individuals and that is appropriate within an educational environment.
- All communication shall be conducted so that both the sender and recipient are fully and accurately identifiable.
- All communications shall be positive and constructive in tone.
- Users shall work to protect the integrity and reliability of the electronic tools and communication systems.
- Users shall maintain personal responsibility for all non-approved financial obligations incurred while using the electronic communication services.

The following practices are considered a violation of ethical standards and are subject to disciplinary action:

- Violating the privacy of students and employees of the District.
- Using profanity, obscenity or other language which may be harassing to others.

- Attempts to obtain access to restricted sites, servers, files, databases, and unauthorized access to systems.
- Reposting personal communications without the author's prior consent.
- Using, copying and/or posting commercial software in violation of copyright laws, board policies, or administrative regulations.
- Using District technology for personal financial gain, for any commercial or illegal activity, or for promoting the use of tobacco, alcohol or other drugs.
- Spreading computer viruses, trojan horses, or any other malware in an attempt to degrade, disrupt or monitor the content of transmissions.
- Downloading, storing or printing files or messages that are profane, obscene or that use language that defames another.
- Using hardware, software or network services in violation of copyright or vendor agreements. This includes copying or transmitting software programs for installation on non-District equipment.
- Other uses that have no reasonable basis for improving the teaching or learning of the District curriculum.
- Using the phone system or fire alarm system to disrupt the operations of the school or the educational environment.