Laws That Impact Our Classrooms

In response to Board Member questions about laws that our schools must attend to, we have provided a summary of laws that are impacting classrooms. The following chart lists the specific Oregon Revised Statute (ORS), Oregon Administrative Rule (OAR), or Federal law and how schools are required to respond. This list is primarily centered on behaviors and consequences that are a reflection of what our schools are managing. It is organized (for the most part) by ORS (Oregon law), OAR (the rules written to provide clarity about the associated law), and then Federal laws and requirements.

Oregon and Federal Laws and Regulations Impacting K–12 and Discipline

Jurisdiction	Law / Rule #	Title	What it means for behavior / consequences
Oregon (ORS)	ORS 339.240	Rules of student conduct, discipline and rights; duties of state board and district school boards	Requires the State Board to adopt rules setting minimum standards for student conduct/discipline and related rights/procedures; foundation for district discipline codes.
Oregon (ORS)	ORS 339.250	Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats, firearms, physical force; student handbook/code of conduct	Requires districts to maintain and enforce policies (typically in a handbook/code of conduct) addressing discipline, suspension, expulsion, threats, firearms, and physical force.
Oregon (ORS)	ORS 339.250(6)	Student discipline policies (as amended for young students)	Requires districts to consider age and developmental level when imposing discipline. In practice, elementary discipline must be developmentally appropriate and cannot mirror secondary punitive models without consideration of age.
Oregon (ORS)	ORS 339.252	Student with disability remains entitled to FAPE when removed for disciplinary reasons	Ties discipline removals to continued educational services for students with disabilities after certain removal thresholds (e.g., >10 school days).
Oregon (ORS)	ORS 339.256	Prohibition on restricting access to specialized learning areas / certain common areas	Limits punitive exclusion (e.g., restricting access to electives/lunch/common areas) for

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			certain student groups in ways that differ from peers.
Oregon (ORS)	ORS 339.285–339.303 (series)	Restraint and Seclusion statutes (definitions, limits, reporting, training, complaints)	Oregon's core statutory framework: defines, limits, requires documentation/notification, training, and complaint processes for restraint and seclusion. While applicable K-12, it has significant elementary impact because younger students are disproportionately affected. Prohibits use of restraint/seclusion for discipline, punishment, convenience, or retaliation. Must be safety-based only.
Oregon (OAR)	OAR 581-021-0553	Use of Restraint and Seclusion in Public Education Programs	Adds implementation requirements and prohibited techniques. Particularly relevant in elementary behavioral escalations; limits use and requires trained personnel.
Oregon (ORS)	ORS 339.885	Secret societies prohibited; membership grounds for suspension/expulsion	Explicitly authorizes suspension/expulsion for secret-society membership (rarely used, but still a discipline authority).
Oregon (OAR)	OAR 581-021-0060	Discipline Procedures; Prohibition of Corporal Punishment	Requires "fair and reasonable" discipline procedures and **bans corporal punishment** in Oregon public schools.
Oregon (OAR)	OAR 581-021-0065	Suspension	Sets minimum due-process elements for suspensions (notice, charges, chance to present student's view; notice to parents, etc.).
Oregon (OAR)	OAR 581-021-0070	Expulsion	Limits when expulsion may be used (e.g., safety threat, other strategies ineffective; not for truancy) and imposes hearing/waiver requirements. Prohibits expulsion of students in

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			Grade 5 and below **except** in limited circumstances (e.g., serious bodily injury, credible threat to safety). Requires documentation that other strategies were ineffective.
Federal (statute)	20 U.S.C. § 7961	Gun-Free Schools Act	Requires states/districts (as a condition of certain federal funds) to have a law/policy requiring ≥1-year expulsion for bringing/possessing a firearm at school, with case-by-case modification authority. Applies to elementary students as well.
Federal (statute/reg)	IDEA (20 U.S.C. ch. 33) + 34 CFR Part 300 discipline rules	Special education discipline protections	Sets discipline boundaries for students with disabilities: removals, manifestation determinations, IAES placements, and required services during removals (implemented in 34 CFR 300.530 and related sections).
Federal (reg)	ADA Title II regs (28 CFR Part 35)	Disability nondiscrimination by public entities	Requires reasonable modifications and nondiscriminatory access to programs/services—often implicated when discipline excludes a student in ways tied to disability.
Federal (statute/reg)	Section 504 (29 U.S.C. § 794) + 34 CFR Part 104	Disability nondiscrimination (504)	Requires nondiscriminatory discipline and procedural safeguards connected to disability-related placement/services decisions (34 CFR 104.36).
Federal (Section 504)	34 CFR 104.35	Evaluation and placement procedures	Requires evaluation before significant change in placement. For elementary students with suspected disabilities, disciplinary removal may trigger evaluation obligations.
Federal (Title IX)	34 CFR 106.44	Response to sex-based harassment	Applies to elementary students; schools must respond to sex-based harassment in developmentally appropriate ways. Disciplinary

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			procedures must account for age and maturity.
Federal (IDEA)	34 CFR 300.530(g)	Authority of school personnel — special circumstances	Allows removal to an Interim Alternative Educational Setting (IAES) for weapons, drugs, or serious bodily injury—even in elementary grades—but still requires services. Important because it overrides typical grade-level removal limits in narrow cases.
Federal (IDEA)	34 CFR 300.536	Change of placement because of disciplinary removals	Defines cumulative removal thresholds (10 school days). Highly relevant in elementary where repeated short removals may trigger manifestation determination requirements.