

DRAFT RULES IMPLEMENTING HOUSE BILL 2281 (2023)

[House Bill 2281 \(2023\)](#) requires school districts to designate one or more Civil Rights Coordinators.

The bill authorizes the State Board of Education to adopt rules pertaining to:

1. training requirements for Civil Rights Coordinators
2. other rules for the purposes of implementing the bill requirements

ODE has drafted the below rules to comply with these requirements. ODE is seeking input from school districts, parents, students, and community members regarding these draft rules to ensure Civil Rights Coordinators can effectively perform their roles and support nondiscrimination efforts.

Questions and feedback can be submitted via [google survey](#) or to Marinda Peters, marinda.peters@ode.oregon.gov, and Kate Hildebrandt, katherine.hildebrandt@ode.oregon.gov.

OAR 581-022-AAAA Definitions for OAR 581-022-AAAA to 581-022-CCCC

Under OAR 581-022-AAAA to 581-022-CCCC:

- (1) “Discrimination” has the meaning given that term in ORS 659.850.
- (2) “District” means a school district or a public charter school.
- (3) “Public charter school” means an elementary or secondary charter school offering a comprehensive instructional program under a written agreement entered into between a sponsor and an applicant pursuant to ORS chapter 338.
- (4) “Sponsor” means:
 - (a) The board of the school district that has developed a written charter to create a public charter school.
 - (b) The State Board of Education pursuant to ORS 338.075.

Statutory/Other Authority: ORS 326, ORS 327.006, ORS 327.102, ORS 332.505, ORS 338.115 & ORS 659.855.

Statutes/Other Implemented: ORS 326.051, ORS 332.505, ORS 338.115 & ORS 659.850.

OAR 581-022-BBBB

Duty to Designate One or More Civil Rights Coordinators

(1) Each district must designate one or more civil rights coordinators. A civil rights coordinator designated under this rule must

(a) Be knowledgeable of the requirements of OAR 581-0021-0038, 581-021-0045, 581-021-0046, and 581-022-CCCC; and

(b) Have the independence and authority necessary to carry out the provisions of OAR 581-022-CCCC.

(2) Each district must include the name or title, work address, email address, and phone number of each civil rights coordinator designated by the district in the notice of nondiscrimination required by OAR 581-021-0045.

(3) Each district must adopt and follow a policy for the purpose of implementing OAR 581-022-AAAA to 581-022-CCCC. At a minimum, the policy must:

(a) List the requirements of OAR 581-022-CCCC and require each civil rights coordinator designated by the district to meet those requirements.

(b) Specify that any complaint alleging discrimination may be made to any civil rights coordinator designated by the district.

(c) Require the tracking and documenting of:

(A) All reports of discrimination received by the district and all responses to those complaints issued by the district, including any investigations completed and remedies provided; and

(B) The training completed by each civil rights coordinator designated by the district pursuant to OAR 581-022-CCCC.

(4) A civil rights coordinator designated under this rule may be a person employed by a district for purposes other than those set forth in OAR 581-022-CCCC.

(5) Pursuant to a contract entered into between a school district and an education service district, an education service district may designate and provide one or more civil rights coordinators for the school district. If an education service district designates and provides one or more civil rights coordinators for a school district, the education service district assumes the school district's duties under OAR 581-022-AAAA to OAR 581-022-CCCC. An education service district may designate and provide a single civil rights coordinator for multiple districts.

Statutory/Other Authority: ORS 326, ORS 327.006, ORS 327.102, ORS 332.505, ORS 338.115 & ORS 659.855.

Statutes/Other Implemented: ORS 326.051, ORS 332.505, ORS 338.115 & ORS 659.850.

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Direct questions and comments to marinda.peters@ode.oregon.gov and Katherine.hildebrandt@ode.oregon.gov

OAR 581-022-CCCC

Duties of and Training Requirements for Civil Rights Coordinators

(1) At a minimum, a civil rights coordinator shall:

- (a) Monitor, coordinate, and oversee district compliance with state and federal laws prohibiting discrimination in public education;**
- (b) Oversee and ensure the resolution of district investigations of complaints alleging discrimination;**
- (c) Oversee the resolution of district investigations substantiating discrimination, including the provision of remedies;**
- (d) Provide guidance to district staff on civil rights issues in the district;**
- (e) Respond to questions and concerns about civil rights in the district;**
- (f) Coordinate efforts to prevent civil rights violations from occurring in the district; and**
- (g) Satisfy the training requirements listed in subsections (2) and (3) of this rule.**

(2) Upon being first designated under OAR 581-022-BBBB, a civil rights coordinator must receive the following training in accordance with a schedule established by the Oregon Department of Education:

- (a) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990.**
- (b) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, those statutes' implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education's Office for Civil Rights.**
- (c) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators' duties.**
- (d) Identifying discrimination and reports of discrimination.**
- (e) Responding to reports of discrimination.**

(f) Conducting civil rights investigations, including identifying conflicts of interest, and using strategies to mitigate conflicts of interest.

(g) Preventing discrimination in public school programs and activities.

(h) Identifying retaliation, responding to reports of retaliation, and preventing retaliation in public school programs and activities.

(i) Tracking and documenting reports of discrimination.

(3) In years subsequent to being designated a civil rights coordinator, a civil rights coordinator must annually receive the following training in accordance with a schedule established by the Oregon Department of Education:

(a) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990.

(b) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, those statutes' implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education's Office for Civil Rights.

(c) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, and those coordinators' duties.

(d) Reporting discrimination, and responding to reports of discrimination, including through complaint processes and investigations.

(4) The Oregon Department of Education annually will provide training for civil rights coordinators. Civil rights coordinators may take the department's training or may take any other training that fulfills the requirements of this rule.

Statutory/Other Authority: ORS 326, ORS 327.006, ORS 327.102, ORS 332.505, ORS 338.115 & ORS 659.855.

Statutes/Other Implemented: ORS 326.051, ORS 332.505, ORS 338.115 & ORS 659.850.