

First Reading of Policy

Parkrose School District ~~30SBA Model Sample Policy~~

Code: **ACB**
Adopted: 10.26.20
Revised:

In September 2020, in response to a student request, the Oregon State Board of Education adopted Oregon Administrative Rule (OAR) 581-022-2312. This was called All Students Belong, and required all districts, ESDs and charter schools to adopt a policy prohibiting symbols of hate and addressing bias incidents. In October 2020, OSBA released model sample policy ACB – All Students Belong, and its administrative regulation (AR), ACB-AR to help educational organizations meet these requirements.

In February 2021, amendments to the OAR were adopted, including changing the title to Every Student Belongs. In May 2021, the Oregon Legislature adopted House Bill 2697, which placed many of the same requirements into statute. Finally, in October 2021, the OAR was amended again to more closely align with the legislative action.

While the general intent and impact of the law have not changed, the changes made by the legislature and the State Board necessitate several changes to the model sample policy and its accompanying AR. The model policy and AR will help schools across Oregon meet the requirements of these laws and protect students. We recommend that boards and school districts work to replace existing documents with these new versions by January 1, 2022.

The Oregon Department of Education will soon be releasing guidance to support schools in this effort. This updates to policy and AR will be released in Policy Update at the end of this month. Policy Plus subscribers will receive their packets after that release.

Let's not wait for the next policy update? We tried to mark this one up like OSBA does. Here is a link to the previously adopted version: https://www.parkrose.k12.or.us/school_board/policies/ab/ACB%20-%20All%20Students%20Belong.pdf

Every Student Belongs

The vision of the Parkrose School District is for each student to reach high levels of reading and critical thinking; graduating college and career ready and become contributing members of society. Our vision is that our students' successful future is not determined by their race, gender expression, gender identity, sexual orientation, socio-economic status, ethnicity, culture, linguistic difference, religion, immigration status or disability. We believe that every student has the potential to achieve, and it is our responsibility to give each student the access, opportunity and support to meet their highest potential. We believe that equity of opportunity and equity of access to all of our educational programs, services, and resources are critical to the achievement of successful outcomes for all of the children whom we serve which will lead to positive, lasting change. (policyAA)

~~[Insert the district's statement on equity if applicable.]~~

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All students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All employees are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All visitors are entitled to participate in **a school or educational** environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

“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. ~~or behavior directed at or about any of the preceding demographic groups.~~

“Symbol of hate” means **nooses^[1], symbols of neo-Nazi ideology or the battle flag of the Confederacy.** ~~a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including, the noose, swastika, or confederate flag¹, and whose display:~~

- ~~1. Is reasonably likely to cause a substantial disruption of or material interference with school activities; or~~
- ~~2. 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.~~



The district prohibits the use or display of any symbols of hate ^{2} **on school property³ or in an education program⁴** ~~on district grounds or in any district- or school-sponsored program, service, school or activity that is funded in whole or in part by monies appropriated by the Oregon Legislative Assembly, except where used in teaching curriculum that is aligned with state standards of education for public schools.~~ ~~[In responding to the use of any symbols of hate or bias incidents, the district will use non-disciplinary remedial action whenever appropriate.]~~

¹ [The display of a noose on public property with the intent to intimidate may be a Class A Misdemeanor under Senate Bill 398 (2021).]

² {Prior to adopting the symbols of hate prohibition, or adding other symbols to the list, we recommend that the district document why the district feels that the presence of these symbols will cause a “material and substantial interference with schoolwork or discipline” or collide “with the rights of other students to be secure and be let alone.” These reasons may include previous incidents, current conditions in the schools and other factors.}

³ “School property” means any property under the control of the district.

⁴ “Education program” includes any program, service, school or activity sponsored by the district.

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The district prohibits retaliation against an individual^{5} because that individual has in good faith reported information that the individual believes is evidence of a violation of a state or federal law, rule or regulation.

Nothing in this policy is intended to interfere with the lawful use of district facilities pursuant to a lease or license.

The district will use administrative regulation ACB-AR - Bias Incident Complaint Procedure to process reports or complaints of bias incidents.

END OF POLICY

Legal Reference(s):

⁵ {ORS 659.852 prohibits retaliation only against students. Other statutes (and other complaint procedures) prohibit retaliation against staff and others for reporting or providing information regarding a complaint or investigation.}

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[ORS 659.850](#)
[ORS 659.852](#)
[OAR 581-002-0005](#)

[OAR 581-022-2312](#)
[OAR 581-022-2370](#)

House Bill 2697 (2021)
[House Bill 3041 \(2021\)](#)

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).
Dariano v. Morgan Hill Unified Sch. Dist., 767 F.3d 764 (9th Cir. 2014).
State v. Robertson, 293 Or. 402 (1982).