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~~OSBA Model Sample Policy~~ Parkrose School District 3

OSBA Summary (same as AC, AC-AR & JB)

House Bill (HB) 2935 added an aspect to the definition of discrimination in ORS 659.850 for race that includes physical characteristics historically associated with race such as natural hair and hair texture (see new footnote in AC and JB for full language). Another bill, HB 3041, revised the definition of sexual orientation and added a new definition for gender identity to the protected classes. Both of these bills affected change represented in the attached model policies.

A change created by HB 2935 that is not reflected by policy changes but is still important for districts, the bill created additional criteria a school district must ensure when paying fees to a voluntary organization. In addition to the complaint policy requirements imposed on these voluntary organizations in 2019, these policies must now be equity focused. Voluntary organizations must have policies that prohibit discrimination as defined in ORS 659.850, which now includes physical characteristics related to race such as natural hair or hair texture. These equity focused policies must now also permit a student to wear religious clothing when consistent with any safety and health requirements, which will be balanced based on reasonable accommodation needs of participants for a specific activity. Further, the HB adds a provision regarding employer driven dress code or policy, amending ORS 659A.030(5), that they cannot create “a disproportionate adverse impact on members of a protected class to a greater extent than the policy impacts persons generally” (HB 2935, 2021).

Code: AC-AR
Adopted: 10/04
Revised:

Discrimination Complaint Procedure

Complaints regarding discrimination or harassment, on any basis protected by law, shall be processed in accordance with the following procedures:

Step 1: [1]Complaints may be oral or in writing and must be filed with the [principal]. Any staff member that receives an oral or written complaint shall report the complaint to the [principal].

The [principal] shall investigate and determine the action to be taken, if any, and reply in writing, to the complainant within [10] school days of receipt of the complaint.

¹ [For district information. The district’s timeline established by each step of the district’s complaint procedure must be within 30 days of the submission of the complaint at any step, unless the district and complainant have agreed in writing to a longer time period for that step. The district’s complaint procedure should not exceed a total of 90 days from the initial filing of the complaint, regardless of the number of steps involved, unless the district and the complainant have agreed in writing to a longer time period. (OAR 581-002-0005)]

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Step 2: If the complainant wishes to appeal the decision of the [principal], the complainant may submit a written appeal to the superintendent [or designee] within [five] school days after receipt of the [principal]'s response to the complaint.

The superintendent [or designee] shall review the [principal]'s decision within [five] school days and may meet with all parties involved. The superintendent [or designee] will review the merits of the complaint and the [principal]'s decision. The superintendent [or designee] will respond in writing to the complainant within [10] school days.

Step 3: If the complainant is not satisfied with the decision of the superintendent [or designee], a written appeal may be filed with the Board within [five] school days of receipt of the superintendent's [or designee's] response to Step 2. The Board may decide to hear or deny the request for appeal at a Board meeting. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative ~~[at the next regular or special Board meeting]~~ [a Board meeting]. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing or electronic form within [10] days of this meeting.

If the [principal] is the subject of the complaint, the individual may start at Step 2 and should file a complaint with the superintendent [or designee].

If the superintendent is the subject of the complaint, the complaint may start at Step 3 and should be referred to the Board chair. ~~[The Board may refer the investigation to a third party.]~~

Complaints against the Board as a whole or against an individual Board member, may start at Step 3 and should be submitted to the Board chair and may be referred to district counsel. Complaints against the Board chair may start at Step 3 and be referred directly to the ~~[district counsel]~~ [Board vice chair].

The timelines established in each step of this procedure may be extended upon mutual consent of the district and the complainant in writing², but will not be longer than 30 days from the date of the submission of the complaint at any step². The overall timeline of this complaint procedure may be extended beyond 90 days from the initial filing of the complaint upon written mutual consent of the district and the complainant.

The complainant, if a person who resides in the district~~[,]~~ [or] a parent or guardian of a student who attends school in the district~~[,]~~ [or a student,] is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initialing filing of the complaint, may appeal² the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

~~Charter Schools of which the District Board is a Sponsor~~

² An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

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~~[The district Board, [through its charter agreement with [name of charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will review an appeal of a decision reached by the Board of [name of public charter school] on a complaint alleging violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination). A complainant may appeal will submit such appeal to the [superintendent] [Board chair] on behalf of the district Board within [30] days of receipt of the decision from the public charter school board. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.]~~



~~OR~~



~~[The district Board, [through its charter agreement with [name of public charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will not review an appeal of a decision reached by the Board of the [name of public charter school] on a complaint alleging a violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination), for which the district Board has jurisdiction, and recognizes a decision reached by the Board of [name of public charter school] as the district Board's final decision. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.]~~

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DISCRIMINATION COMPLAINT FORM

Name of Person Filing Complaint	Date	School or Activity
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Student/Parent ☐ Employee ☐ Job applicant ☐ Other ☐ _____

Type of discrimination:

- | | | |
|--|--|---|
| ☐ Race | ☐ Mental or physical disability | ☐ Age |
| ☐ Color | ☐ Marital status | ☐ Sexual orientation |
| ☐ Religion | ☐ Familial status | ☐ Pregnancy |
| ☐ Sex | ☐ Economic status | ☐ Discriminatory use of a Native American mascot |
| ☐ National or ethnic origin | ☐ Veterans' status | ☐ Other _____ |
| ☐ Gender identity | | |

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of the discussion.) _____

Who should we talk to and what evidence should we consider? _____

Suggested solution/resolution/outcome: _____

This complaint form should be mailed or submitted to the [principal].

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.