



SECOND READING OF SCHOOL BOARD POLICIES

POLICY ISSUE/SITUATION:

Attached is the second reading of School Board policies:

- **GBE** – Staff Health and Safety
- **GBNA** – Hazing/Harassment/Intimidation/Bullying/Menacing – Staff
- **GBN/JBA** – Sexual Harassment
- **JFCEB** – Personal Communication Devices and Social Media - Students

BACKGROUND INFORMATION:

In January, 2004 the Oregon School Board Association performed an audit of the Beaverton School District Board policies. As a result of this audit, departments continue to work to reach compliance of the policies pertinent to their areas. Throughout the school year new policies and/or policy changes will be presented for your review.

RECOMMENDATION:

(15-522) It is recommended that the School Board adopt this policy change.

District Goal: All students will show continuous progress toward their personal learning goals, developed in collaboration with teachers and parents, and will be prepared for post-secondary education and career success.

The Beaverton School District recognizes the diversity and worth of all individuals and groups. It is the policy of the Beaverton School District that there will be no discrimination or harassment of individuals or groups based on race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, marital status, age, veterans' status, genetic information or disability in any educational programs, activities or employment.

STAFF HEALTH AND SAFETY

The Board directs the superintendent or designee to take appropriate means to provide for the health and safety of all employees while engaged in the performance of their duties. The input of staff will be encouraged in the development of district health and safety plans.

The superintendent or designee will develop a district plan for dealing with hazardous chemicals in the work place. This plan will include proper labeling, storage and disposal of all such materials.

The superintendent or designee will develop district-wide training activities to deal with the use of hazardous chemicals. Training will include the identification, use, storage and disposal techniques needed to assure safety of staff and students.

In meeting the requirements of the law, employees will be trained to recognize and respond appropriately to the presence of hazardous chemicals. All personnel who may be exposed to hazardous materials during the performance of their duties or in an emergency will be so informed and trained to appropriately deal with these materials.

The superintendent or designee will provide staff members with the MSDS (Material Safety Data Sheets), which must accompany any hazardous substance used in the school setting.

END OF POLICY

Legal References:

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| <u>ORS 243.650</u> | <u>OAR 437-002-0180 to 0182</u> |
| <u>ORS 329.095</u> | <u>OAR 437-002-0360</u> |
| <u>ORS 453.001-453.275</u> | <u>OAR 437-002-0368</u> |
| <u>OAR 437-001-0760</u> | <u>OAR 437-002-0377</u> |
| <u>OAR 437-002-0020 to 0075</u> | <u>OAR 437-002-0390 to 0391</u> |
| <u>OAR 437-002-0140</u> | <u>OAR 581-022-1420</u> |
| <u>OAR 437-002-0144</u> | |
| <u>OAR 437-002-0145</u> | |

~~ORS 243.650~~ ~~ORS 329.095~~ ~~ORS 453.001 - 453.275~~

~~OAR Chapter 437 Subdivision 2/D [Walking Working Surfaces]~~

~~OAR Chapter 437 Subdivision 2/E [Means of Egress]~~

~~OAR Chapter 437 Subdivision 2/F [Powered Platforms, Manlifts and Vehicle Mounted Work Platforms]~~

~~OAR Chapter 437 Subdivision 2/J [General Environmental Controls, Specifications for Accident Prevention Signs and Tags]~~

~~OAR Chapter 437 Subdivision 2/L [Fire Protection]~~

~~OAR Chapter 437 Subdivision 2/Z [Toxic and Hazardous Substances, Asbestos]~~

~~0AR Chapter 437 Subdivision 2/Z [Toxic and Hazardous Substances, Carcinogens]~~

~~0AR Chapter 437 Subdivision 2/Z [Toxic and Hazardous Substances, Hazard
Communications]~~

~~0AR Chapter 437 Subdivision 40 [General Provisions]~~

~~0AR Chapter 437 Subdivision 136 [General Occupational Health Regulations]~~

~~0AR 581-022-1420~~

Cross Reference: Policy EB - Safety Program

Hazing/Harassment/Intimidation/Bullying/Menacing-Staff

The Board is committed to providing a safe, positive and productive learning and working environment. Hazing, harassment, intimidation, menacing or bullying, and cyberbullying of staff, students, or third parties (as defined under Policy GBN/JBA) by staff, students, or third parties is strictly prohibited and shall not be tolerated ~~in by~~ the District ~~or while on District business or activities~~. 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.

Complaints shall be filed with the supervisor. Complaints against the principal shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board chair.

Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or Board.

Individuals may also be referred to law enforcement officials. Certified staff will be reported to Teacher Standards and Practices Commission, as provided by OAR 584-020-0041.

The Superintendent is directed to develop administrative regulations to implement this policy. To be included are reporting requirements and definitions of prohibited behaviors.

END OF POLICY

Legal Reference(s):

ORS 163.190
ORS 163.197(2)
ORS 166.065
ORS 166.155 - 166.165
ORS 332.072
ORS 332.107
ORS 659A.030

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d)

Sexual Harassment

The Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, third parties, or staff by other students, staff, Board members or third parties.

“Third parties” include, but are not limited to, school volunteers, parents, school visitors, service contractors, vendors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events. “District” includes district facilities, district premises and non-district property if the student or employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events where students are under the control of the district or where the employee is engaged in district business.

This policy is in effect while on district-owned and/or district-operated buses, vehicles or chartered buses while attending or engaged in district activities. This prohibition also includes off duty conduct of staff which is incompatible with district job responsibilities.

Sexual harassment of students, ~~and~~ staff, and third parties shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student or employment or assignment of staff;
3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student’s educational performance, ~~or with an~~ a district employee’s, contractor or third party’s ability to perform his/her job; or creates an intimidating, offensive or hostile ~~educational or working~~ environment. Relevant factors to be considered will include, but not be limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the

alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students or staff.

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature, displaying or distributing of sexually explicit drawings, pictures and written materials, sexual gestures or obscene jokes, touching oneself sexually or talking about one's sexuality in front of others or spreading rumors about or rating other students or making accusations regarding sexual orientation as to appearance, sexual activity or performance.

All complaints about behavior that may violate this policy shall be promptly investigated. Any student ~~or employee~~, *or third party* who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report his/her 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 will promptly notify the appropriate district official. The student and the student's parents or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the educational assignments or study environment of a student complainant or any terms or conditions of employment or work environment of the staff complainant. There shall not be retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participated in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Employees in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent/designee or Board.

Additionally, the district may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available to all students, parents of students and staff {in student/parent and staff handbooks}. The district's policy shall

be posted in all [grades 6 through 12] schools. Such posting shall be by a sign of at least 8 1/2" by 11".

The superintendent will establish a process of reporting incidents of sexual harassment.

Legal References:

ORS 243.706

ORS 342.700

ORS 342.704

ORS 342.708

ORS 342.850

ORS 342.865

ORS 659.850

ORS 659A.006

ORS 659A.029

ORS 659A.030

OAR 581-021-0038

OAR 584-020-0040

OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(e)

Title IX of the Education Amendments of 1972, 20 U.S.C., Sections 1681-1683; 34 CFR Part 106 (2000)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Gebser v Lago Vista Independent School District, 524 U.S. 274 (1998)

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014)

Personal Electronic Communication Devices and Social Media - Students

Students may be allowed to possess and use personal electronic communication devices on district property during the school day and at district-sponsored activities provided such devices are not used in any manner that may disrupt the learning environment, district-sponsored activities, or violate Board policies, administrative regulations, school or classroom rules, state and federal law¹.

A “personal electronic communication device” is a device, not issued by the district, that is capable of electronically communicating, sending, receiving, storing, recording, reproducing and/or displaying information and data, that emits an audible signal, vibrates, displays a message or otherwise summons or delivers a communication to the possessor of the device. These devices include, but are not limited to: walkie talkies, long or short range portable radios, portable scanning devices, cellular telephones, pagers, personal digital assistants (PDAs), laptop computers and similar devices with wireless capability. This also includes other digital audio and video devices such as, but not limited to, portable music players, radios and TV.

The district will not be liable for personal electronic communication devices brought to district property and district-sponsored activities.

If the district implements a curriculum that uses technology, students may be allowed to use their own personal electronic devices to access the curriculum. Students who are allowed to use their own devices to access the curriculum will be granted access to any application or electronic materials when they are available to students who do not use their own devices, or provided free of charge to students who do not use their own devices for curriculum.

Social media tools (as defined in Administrative Regulation JFCEB-AR) may be used by students in a manner that supports the instructional and learning environment. The district will not be responsible for information¹ or comments posted by students on social media Web sites when the student is not using social media tools directly related to district activities.

The superintendent is directed to develop administrative regulations and/or approve school rules as necessary to ensure that student use of such devices is consistent with this policy. Administrative regulations may include grade- or age-level possession and/or use restrictions by students on district property and at district-sponsored activities; consequences for violations; a process for responding to a student’s request to use a personal electronic device, including an appeal process if the request is denied; and such other provisions as the superintendent may deem necessary. The superintendent is responsible for ensuring that pertinent provision of Board policies, administrative regulations and

¹The taking, disseminating, transferring, or sharing of obscene, pornographic, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring, or sharing obscene, pornographic, or otherwise illegal images or photographs will be reported to law enforcement and/or other appropriate state or federal agencies.

school rules governing personal ~~electronic communications~~ devices are included in student/parent handbooks, reviewed annually and updated as necessary.

END OF POLICY

Legal Reference(s):

ORS 332.107

ORS 336.840

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001).