
Every Student Belongs — Hate Symbols and Bias Incidents

All students, staff and visitors in public schools are entitled to learn, work and participate in an environment that is free from discrimination, harassment and intimidation based on their actual or perceived race, color, religion, sexual orientation, gender identity, disability, or national origin.

~~All students are entitled to a high-quality and safe educational experience, that is free from discrimination or harassment based on an individual's actual or perceived race, color, religion, sex, sexual orientation, gender identity, gender expression, national or ethnic origin, age, mental or physical disability, pregnancy, familial status, economic status, or because of a perceived or actual association with any other persons within these protected classes.~~

~~All adults and visitors are entitled to work or participate in an environment that is free from discrimination or harassment based on perceived race, color, religion, sex, sexual orientation, gender identity, gender expression, national or ethnic origin, marital status, age, mental, or physical disability, pregnancy, familial status, economic status, veterans' status, or because of a perceived or actual association with any other persons within these protected classes.~~

The district prohibits the use or display of any symbols of hate on district property¹ or in ~~any district or school-sponsored~~ an education program², ~~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 ~~to the Oregon State Standards.~~

For the purposes of this policy, the following definitions will apply:

“Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, sexual orientation, gender identity, ~~national origin or~~ disability, or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior directed at or about any of the preceding demographic groups. This applies to in-person, hybrid, or distance learning environments.

“Symbol of hate” means nooses, symbols of neo-Nazi ideology³, or the battle flag of the Confederacy.⁴ ~~For the purpose of this policy it also includes any~~ a symbol, image, or object that expresses animus on the basis of race, color, religion, ~~gender identity,~~ sexual orientation, gender identity, mental or physical disability, or national ~~or ethnic~~ origin, ~~including, but not limited to, the noose, swastika, or confederate flag, and~~ whose display:

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

¹ “School property” or “district property” means any property under the control of the district.

² “Education program” means any program, service, school or activity sponsored by the district.

³ Symbols of neo-Nazi ideology may include but are not limited to the hooked cross or swastika.

⁴ A.k.a. the confederate flag. While commonly referred to as the “confederate flag,” the official name of the prohibited flag is the Battle Flag of the Armies of Northern Virginia.

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 superintendent or designee is directed to develop procedures for addressing reports or complaints of bias incidents. Procedures developed shall prioritize immediate safety of complainants, communications to all parties involved, restorative practices, and non-disciplinary remedial action for accountability whenever appropriate.

The superintendent shall ensure that policy ACB and accompanying procedures are communicated widely and accessible.

[The district prohibits retaliation against an individual 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):

[ORS 659.850](#)

[ORS 659.852](#)

[OAR 581-002-0005](#)

[OAR 581-022-2312](#)

[OAR 581-022-2370](#)

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).

Cross Reference(s):

AC – Nondiscrimination

GBA – Equal Employment Opportunity

JB – Equal Educational Opportunity

JBB – Educational Equity

KL – Public Complaints