

# First Reading of Policy

## Parkrose School District 30SBA Model Sample

Code: ACB-AR  
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-AR%20-%20Bias%20Incident%20Complaint%20Procedure.pdf](https://www.parkrose.k12.or.us/school_board/policies/ab/ACB-AR%20-%20Bias%20Incident%20Complaint%20Procedure.pdf)

### Bias Incident Complaint Procedure

The terms “bias incident” and “symbols of hate” are defined in policy. Persons impacted by a bias incident or display of a symbol of hate shall be defined broadly ~~to include individuals at whom an incident was directed~~ to include persons directly targeted by an act, as well as the community of students as a whole who are likely to be impacted by the ~~incident~~ act.<sup>1</sup>

Step 1 {<sup>2</sup>}: When a staff member learns of a potential bias incident or display of a symbol of hate, the staff member will prioritize the safety and well-being of all persons impacted and ~~[immediately]~~

<sup>1</sup> The term “complainant” in this administrative regulation includes persons filing formal complaints and persons reporting bias incidents, regardless of whether the complainant is a victim. Similarly, the term “complaint” includes any report, information or complaint.

<sup>2</sup> {These specific steps and procedures are not required. The procedures must include all of the requirements listed in House Bill 2697 § 1(3)(e) (2021) and OAR 581-022-2312(4)(e). If making changes, we recommend working closely with legal counsel.}

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~~[promptly]~~ ~~[without unreasonable delay]~~ report the incident to the ~~[building or program administrator]~~.

Step 2: The ~~[administrator or designee]~~ shall acknowledge receipt of the complaint, ~~[reduce the complaint to writing,]~~ and investigate any complaint of a bias incident. ~~[Responding staff]~~ will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and commit to preventing further harm against those persons impacted from taking place. Educational components and redirection procedures, if any, will:

- ~~Educational components that~~ Address the history and impact of bias and hate;
- ~~Procedural components to ensure the safety, healing, and agency of those impacted by hate;~~
- ~~Advance the safety and healing of those~~ impacted by bias and hate;
- ~~Promote~~ accountability and transformation for people who cause harm; and
- ~~Promote~~ transformation of the conditions that perpetuated the harm. {<sup>3</sup>}

The ~~[administrator or designee]~~ must consider whether the behavior implicates other district policies or civil rights laws, and if so, respond accordingly<sup>4</sup>.

The ~~[administrator or designee]~~ will ~~[make a decision]~~ ~~[determine responsibility]~~ within ~~[10]~~ days of receiving the complaint.

All persons impacted by the act will be provided with information<sup>5</sup> relating to the investigation and outcome of the investigation, including:

- ~~Notice~~ that an investigation has been initiated;
- ~~Notice~~ when an investigation has been completed;
- Findings of the investigation and the final determination based on those findings;
- Actions taken ~~with the person or persons who committed the harassing behavior~~ to remedy ~~a person's~~ behavior and prevent reoccurrence ~~when the actions relate directly to a person impacted by the event;~~ and
- ~~When applicable, the legal citation of any law prohibiting disclosure of any information described above, and an explanation of how that law applies to the current situation.~~

~~If any of the above information cannot be shared, a citation to the law prohibiting release and an explanation of how that law applies to the current situation will be provided.~~

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Step 3: If complainant or a respondent wishes to appeal the decision of the ~~[administrator or designee]~~, the complainant or respondent may submit a written appeal to the ~~[superintendent]~~ within ~~[five]~~ school days after receipt of the ~~[administrator or designee]~~'s response to the complaint.

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<sup>3</sup> {Additional guidance from ODE can be found [here](#).}

<sup>4</sup> The nature of the behavior or act must determine the process used to respond; what rights and protections are available to the person(s) impacted by the behavior or act; and an individual's right to appeal to the Oregon Department of Education or the U.S. Department of Education.

<sup>5</sup> For additional information regarding required notices, see OAR 581-022-2312(4)(e)(E).

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

The [superintendent or designee] will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 3, as appropriate.

Step 4: If the complainant or respondent 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 or designee]'s response to Step 3. The Board may decide to hear or deny the request for appeal at a Board meeting. The Board may use an executive session if the subject matter qualifies under Oregon law. 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]~~ [at 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 within [10] days of this meeting.

The ~~[Board]~~ will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 4, as appropriate.

Complaints can be filed with or communicated directly to the [administrator or designee], in which case Step 1 will be skipped. Complaints against the [administrator] can be directed to the [superintendent or designee] and will begin at Step 3. Complaints against the superintendent or a Board member(s) can be directed to the Board and will begin at Step 4. If complaints begin later than Step 1, the individuals reviewing the complaint will ensure that all requirements are met.

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 initial filing of the complaint, may appeal<sup>6</sup> the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.<sup>7</sup>

~~[Building administrators]~~[District administration] will develop and implement instructional materials to ensure that all school employees, staff and students are made aware of the policy, this administrative regulation and related practices. The materials will include reporting procedures, educational processes, and possible consequences.

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<sup>6</sup> An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

<sup>7</sup> Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

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¶When necessary, timelines may be adjusted by the district by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.¶