

RESOLUTION 24-066- Approval of Amended Board Policy AC-Nondiscrimination

Background: The U.S. Department of Education recently released amendments to the Title IX regulations. These regulations went into effect on August 1, 2024, and made significant changes to complaint procedures for discrimination on the basis of sex. The previous version of these regulations primarily addressed sex-based harassment. With this change, AC-AR(2) – Discrimination Complaint Procedure has been created to provide additional guidance when handling sex-based discrimination under the Title IX regulations..

WHEREAS, the Multnomah Education Service District Board Policy Committee has reviewed and discussed Board Policy AC-Nondiscrimination; and

NOW THEREFORE BE IT RESOLVED, that the Board Policy Committee recommends AC-Nondiscrimination for approval as written; and

BE IT FURTHER RESOLVED, that if no further discussion is required or changes in language, Board Policy AC-Nondiscrimination is approved as proposed and does not require a second reading.

Multnomah Education Service District

Code: AC
Adopted: 9/20/94
Revised/Readopted: 3/15/05; 9/20/05; 6/15/10;
8/01/13; 1/19/16; 11/21/17;
9/17/19; 11/16/21; 12/17/24

Non-Discrimination and Civil Rights

The MESD **does not discriminate on any basis listed below and** prohibits discrimination and harassment on any basis protected by law, including but not limited to, individual's perceived or actual race¹, color, religion, sex², national or ethnic origin, sexual orientation³, gender identity, mental or physical disability or perceived disability, pregnancy, familial status, economic status, veterans' status, parental or marital status or age, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, mental or physical disability or perceived disability, pregnancy, familial status, economic status, veterans' status, parental or marital status or age of any other persons with whom the individual associates.

MESD prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under Federal law.

MESD prohibits discrimination and harassment, including but not limited to, in employment, assignment and promotion of personnel; in educational opportunities and services offered students; in student discipline; in location and use of facilities; in educational offerings and materials; and in accommodating the public at public meetings.

The Board encourages staff to improve human relations within MESD, to respect all individuals, and to establish channels through which citizens can communicate their concerns to the administration and the Board.

The Superintendent shall appoint individuals at MESD to contact on issues concerning the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA), Section 504 of the Rehabilitation Act of 1973, Title VI, Title VII, Title IX and other civil rights or discrimination issues, and notify students, parents and staff with their names office addresses, and phone numbers. The MESD will publish complaint procedures providing for prompt and equitable resolution of

¹ Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 ~~(as amended by House Bill 2935 (2021))~~.

² 34 CFR § 106.10 provides "discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity."

³Sexual orientation means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

complaints from students, employees and the public, and such procedures will be available at the ESD's administrative office and available on the home page of the ESD's website. **Complaint procedures are published in administrative regulation AC-AR(1) – Discrimination or Civil Rights Complaint Procedure.**

The Board shall adopt and the Superintendent or designee will develop and make available procedures providing for prompt and equitable review and resolution of student and employee complaints.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659A.001	ORS 659A.236
ORS 192.630	ORS 659A.003	ORS 659A.309
ORS 326.051(1)(e)	ORS 659A.006	ORS 659A.321
ORS 659.805	ORS 659A.009	ORS 659A.409
ORS 659.815	ORS 659A.029	OAR 581-002-0001 – 002-0005
ORS 659.850 to 860	ORS 659A.030	OAR 581-021-0046
ORS 659.865	ORS 659A.040	OAR 581-021-0047
ORS 659.870	ORS 659A.100 to 145	OAR 581-022-1140
	ORS 659A.233	

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28C.F.R. §§ 42.101-42.106 (2019)

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019)

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R. Part 1626 (2019)

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2018).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101- 12112 (2019); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2018).

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 12101-12133 ((2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. §2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).

House Bill 2935 (2021).

House Bill 3041 (2021).

MESD Policy Cross Reference(s):

AA - MESD Purpose and Goals

AD - Educational Philosophy

GA - Personnel Policy Goals

GB - Personnel Policies

GBA - Equal Employment Opportunity

GBM- Staff Complaints

GBN/JBA - Sexual Harassment

GBNA - Hazing/Harassment/Intimidation/Bullying Menacing

GCC - Recruitment of Staff

IGBAF - Special Education - Individualized Education Program (IEP)**

IGBAH - Special Education - Evaluation Procedures

IGBAJ - Special Education - Free Appropriate Public Education (FAPE)

IGBHA - Alternative Education Programs
II/IIA - Instructional Resources/Instructional Materials
JA/JAA - Student Policies, Goals and Objectives
JB - Equal Educational Opportunity
JECD - Assignment of Students to Classes