



SECOND READING OF SCHOOL BOARD POLICIES

POLICY ISSUE/SITUATION:

Attached is the second reading of School Board policies:

- **AC** – Non-Discrimination
- **GDA** – Instructional Assistants
- **JECB** – Admission of Non-Resident Students
- **JFCG/KGC/GBK** – Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems

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:

(15-610) It is recommended that the School Board adopt these policy changes.

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.

Non-Discrimination

The District ~~shall ensure non~~discrimination and ~~an environment free of~~ harassment based on any basis protected by law, including but not limited to, an individual's actual or perceived race, color, religion, gender, sexual orientation¹, gender identity², gender expression³, national or ethnic origin, marital status, age, or mental or physical disability or perceived disability, pregnancy, familial status, economic status, veterans' status, or because of an association with any other persons within these protected classes.

~~In keeping with requirements of federal and state law, t~~The District prohibits ~~strives to remove any vestige of~~ discrimination and harassment, including but not limited to, in employment, assignment and promotion of personnel; in educational opportunities and services offered students; in student assignment to schools and classes; 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 the schools, to respect all individuals and to establish channels through which community members can communicate their concerns to the administration and the Board.

The Superintendent or designee shall appoint and make known the individuals to contact on issues concerning the Americans with Disabilities Act of 1990 and 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 issues⁴. The Board will adopt and the District will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees, and the public. ~~student and employee complaints.~~

~~Federal civil rights laws~~ The District prohibits retaliation and discrimination against an individual ~~because he/she who~~ has opposed any discrimination act or practice or because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing. ~~ADA~~ The District further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the any rights guaranteed under state and federal law. ~~the Act.~~

END OF POLICY

¹"Sexual orientation" means an individual's heterosexuality, homosexuality, or bisexuality.

² "Gender identity" refers to a person's innate, personal (psychological) sense of being male or female, which may or may not correspond to the person's body or gender designated at birth.

³ "Gender expression" refers to a person's external manifestation of gender identity and how it is presented to others, such as dress, grooming, mannerisms, behavior, voice, and social interactions.

⁴Districts shall notify students and employees of the name, office address and telephone number of the employee or employees appointed.

Legal Reference(s):

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 326.051\(1\)\(e\)](#)
[~~ORS 342.934\(3\)~~](#)
[~~ORS 659.150~~](#)
[ORS 659.805](#)
[ORS 659.815](#)
[ORS 659.850 to .860](#)
[ORS 659.865](#)
[ORS 659.870](#)
[ORS 659A.003](#)
[ORS 659A.006](#)

[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.043040](#)
[ORS 659A.103100 to .145](#)
[~~ORS 659A.109~~](#)
[~~ORS 659A.112—659A.139~~](#)
[ORS 659A.142](#)
[ORS 659A.145](#)
[ORS 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)

[ORS 659A.321](#)
[ORS 659A.409](#)
[~~OAR 581-015-0054~~](#)
[OAR 581-021-0045](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0049](#)
[OAR 581-022-1140](#)
[~~OAR 839-003-0000~~](#)

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (2006).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

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

Americans with Disabilities Act Amendments Act of 2008.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.

Title II of the Genetic Information Nondiscrimination Act of 2008.

Educational Instructional Assistants

Instructional Educational assistants shall be hired by the superintendent or designee.

All educational instructional assistants must:

1. Have a high school diploma or the equivalent;
2. Be at least 18 years or older; and
3. Have standards of moral character as required of all educators by statute.

In addition to the above, educational instructional assistants providing translation services must have knowledge of and ability to provide accurate translations from a language other than English into English and from English into another language.

Educational Instructional assistants who work in Title I programs and provide instructional support must have:

1. Completed at least two years of study at an institution of higher education; or
2. Obtained an associate's or higher degree; or
3. Met a rigorous standard of quality, and can demonstrate, through a formal state or local academic assessment or para-professional certificate program, knowledge of, and the ability to assist in instructing, as appropriate, reading/language arts, writing and mathematics or reading readiness, writing readiness and mathematics readiness.

These requirements do not apply to an educational instructional assistant: (1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator; or (2) whose duties consist solely of conducting parental involvement activities.

Educational Instructional assistants may be assigned to:

1. Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
2. Assist with classroom management, such as organizing instructional and other materials;
3. Provide assistance in a computer laboratory;
4. Conduct parental involvement activities;
5. Provide support in a library or media center;
6. Act as a translator; or
7. Provide instructional services to students while working under the direct supervision of a teacher.

Educational Instructional assistants may assume limited duties that are assigned to similar personnel who are not working in a program supported with Title I funds, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such

duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

The District may require individuals newly hired as Title I ~~educational~~ instructional assistants who have met another District's academic assessment as set forth by the No Child Left Behind Act of 2001, to meet the District's academic assessment standards.

The general responsibilities of an ~~educational~~ instructional assistant shall be outlined in a job description. The major responsibility shall be to assist the classroom teacher, specialist or supervisor with instruction. The ~~educational~~ instructional assistants shall be under the supervision of the appropriately licensed classroom teachers, specialist or supervisor. Other supporting tasks may include, but not limited to are: clerical support, student control, personal care, translation or parent/family involvement activities and media center or computer laboratory support.

~~Educational~~ instructional assistants shall not be used by the District or teacher as substitute teachers. The responsibility for classroom instruction remains with the teacher at all times.

END OF POLICY

Legal Reference(s):

- ORS 332.107
- ORS 332.505
- ORS 342.120
- OAR 581-022-1710(2)
- OAR 581-037-0005 to 0025
- OAR 584-005-0005(41)

OR. DEP'T OF EDUC., SUGGESTED PERSONNEL POLICY GUIDELINES FOR SCHOOL DISTRICTS -
EDUCATIONAL

No Child Left Behind Act of 2001, 20 U.S.C. § 6319 (2006).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

ADMISSION OF NON-RESIDENT STUDENTS**

~~The Board reserves the right to accept/reject non-resident students based upon the availability of space, resources, personnel, appropriate programs and a positive review of educational records.~~

~~The District may consider situations such as:~~

- ~~1. Students with unusual academic needs or abilities that can be met more readily by school services available in a non-resident school district;~~
- ~~2. Students living in remote areas whose school transportation can be met more conveniently and efficiently by the non-resident school district;~~
- ~~3. Students with unusual disciplinary or emotional problems who would have a greater ability to succeed in the environment of the non-resident school district;~~
- ~~4. Students whose parents move from the district during a school year; and~~
- ~~5. Students whose parents are employed within the non-resident district.~~

~~The District shall deny regular school admission to non-resident students who are under expulsion from another school district for a weapons policy violation. The District may deny regular school admission to non-resident students who are under expulsion from another district for reasons other than a weapons policy violation. The Superintendent may have discretion over student placement in this situation.~~

The District may enroll non-resident students as follows:

1. **Interdistrict Transfer Agreement.** By written consent of the affected school boards. The student becomes a "resident pupil" of the attending district thereby allowing the attending district to receive state school fund monies;
2. **Open Enrollment.** ~~Through the transfer process set forth below. Students admitted through this process become "resident pupils" of the attending district thereby allowing the attending district to receive State School Fund moneys~~ By written consent from the school board with which the student has made application for admission. The student becomes a "resident pupil" of the attending district thereby allowing the attending district to receive State School Fund moneys;
3. **Tuition Paying Student.** By unilaterally admitting with tuition a non-resident student whereby neither district is eligible for State School Fund monies.
4. **Court Placement.** If a juvenile court determines it is in the student's best interest, a student placed in a substitute care program outside the District will continue to be considered a resident student and allowed to attend the school the student attended prior to placement. The public agency placing the student in a substitute care program will be responsible for the transportation of the student, if public agency funds are available.

The Board shall deny regular school admission to nonresident students who are under expulsion from another district for a weapons policy violation. The Board may deny regular school admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

Interdistrict Transfer Agreement

Annually, by March 1, the District shall establish the number of students to whom consent for transfer will be given for the upcoming school year. The District may choose to limit the number of students accepted for transfer based on school, grade or the combination of both. The District may decide not to allow any transfers under this process.

The District may not consider nor ask for any information from the student about race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program (IEP) or the terms of that IEP, identified as talented and gifted, income level, residence, proficiency in English, athletic ability or academic records. The District may not request or require the student to participate in an interview, tour any of the schools or facilities, or otherwise meet with any representatives of the school or district prior to the district deciding on whether to give consent. ~~deny consent or give priority based on race, religion, sex, sexual orientation, ethnicity, national origin, disability, terms of individual education program, income level, proficiency in the English language or athletic ability.~~

The Board may ask for the student's name, contact information, date of birth, grade level, whether the student may be given priority on consent for admission (e.g., sibling in the district; change in legal residence; completion of public charter school in the district), information about which schools the student prefers to attend and whether the student is currently expelled.

Applications for transfer shall be submitted no later than April 1, prior to the year of requested transfer.

If the number of students seeking transfer exceeds the number of available openings as determined by the District, then consent for transfer will be based on an equitable lottery selection process. The process may give priority to students who have siblings currently enrolled in the district; to students who previously received consent for admission and because of a change in legal residence; or to students who attended a public charter school located in the same district in which the student seeks to attend, for three consecutive years, completed the highest grade offered by the public charter school and did not enroll and attend school in another district following completion of that highest grade in the public charter school.

The district may require minimum standards of behavior and/or attendance once the student has been accepted. The minimum standards must be the same for all students that are given consent. The district is not allowed to establish minimum standards for academics as a criteria for the student to remain in the district. Students whose consent is revoked for violation of set attendance and/or behavior standards will not be allowed to apply for consent to return to this district in the same or the following school year.

The District is not required to provide transportation outside the boundaries of the district. Students admitted under this policy will be allowed to use existing bus routes and transportation services of the district, if space is available. Transportation will be provided if required by federal law.

By May 1, the District shall provide written notification of the transfer to the school district of the student's legal residence.

Open Enrollment

Annually, by March 1, the Board shall establish the number of students to whom consent for open enrollment will be given for the upcoming school year. The Board may choose to limit consent based on school, grade or the combination of both. The Board may decide not to give consent to any person under this process.

Applications for consent shall be submitted to the district no later than April 1, for the following school year.

The Board may not deny consent, give priority nor request student information related to race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individual education program (IEP) or the terms of that IEP, income level, residence, proficiency in the English language, athletic ability, academic records or eligibility or participation in talented and gifted programs.

If the number of students seeking consent exceeds the number of students the Board has determined will be given consent, consent will be based on an equitable lottery selection process.

The district is not required to provide transportation outside the boundaries of the district. The student will be allowed to use existing bus routes and transportation services of the district. Transportation will be provided if required by federal law.

By May 1, the district shall provide written notification of admission of a nonresident student into the district, to the district of the student's legal residence.

END OF POLICY

Legal References:

ORS 109.056	ORS 339.141
ORS 327.006	<u>ORS 339.115 to 330.133</u>
	<u>ORS 339.141</u>
	ORS 339.250
ORS 329.485	ORS 343.221
ORS 335.090	ORS 433.267
ORS 339.115 – 339.133	

Letter Opinions, Office of the Attorney General (March 15, April 18 and June 30, 1988)
Oregon Department of Education, Memo #42-1994-95, #23-1988-89.

Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems TOBACCO-FREE ENVIRONMENT

It is the ~~district's school's~~ obligation to protect the health, welfare and safety of students. ~~In light of scientific evidence that the use of tobacco is hazardous to health, and to~~ To be consistent with district curriculum and Oregon law, possession, use, distribution or sale of tobacco products or inhalant delivery systems in any form on district premises and at school-sponsored activities, on or off district premises, including parking lots, and in district-owned, rented or leased vehicles is prohibited.

For the purpose of this policy "tobacco products" is are defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, chewing tobacco, and any other smoking product. Also included is spit or smokeless tobacco, dip, chew, or snuff in any form, ~~nicotine or nicotine delivering devices, chemicals or devices that produce the physical effect of nicotine substances or any other tobacco substitute (e.g. e-cigarettes).~~ This does not include FDA approved nicotine replacement therapy tobacco products or other therapy products used for the purpose of cessation.

For the purpose of this policy, "inhalant delivery system" means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include USFDA approved tobacco products or therapy products marked and sold solely for the approved purpose.

~~Tobacco use, distribution, or sale by staff and all others is also prohibited in any building, facility, or vehicle owned, leased, rented or chartered by the district, school, or public charter school.~~

Violation of this policy will lead to appropriate disciplinary action up to and including expulsion for students. Community or school service may be required. A referral to law enforcement may be made. Parents will be notified of all violations involving their student and subsequent action taken by the school. Information about cessation support and/or tobacco education programs and how students can access these programs will be provided. At the discretion of the building principal, attendance and completion of such programs, or successful completion of a behavior modification plan, may be allowed as a substitute for, or as part of student discipline.

Violation of this policy by nonstudents may result in the individual's removal from district property. The district reserves the right to restrict access to district property by individuals who are repeat offenders. Employees violating this policy may be subject to discipline, up to and including termination of employment.

The superintendent will develop administrative regulations as needed to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 167.400
ORS 332.107
ORS 336.222
ORS 336.227
ORS 339.240

ORS 339.250
ORS 339.883
ORS 431.840
ORS 433.835-433.990

OAR 581-021-0050 to-0075

OAR 581-022-0413
OAR 581-021-0110
OAR 581-053-0015
OAR 581-053-0230(9)(s)
OAR 581-053-0330(1)(m)
OAR 581-053-0430(12)
OAR 581-053-0531(11)
~~OAR 581-053-0545 (4)(e)(r,s,t)~~

~~OAR 581-053-0550 (5)(q) (s)~~
OAR 581-053-0630

Pro-Children Act of 1994,
20 U.S.C. §§ 6081-6084
(2006).