

Policy Introduction

~~OSBA Model Sample Policy~~ Parkrose School District 3

OSBA Summary (same as AC, AC-AR & JB)

House Bill (HB) 2935 added an aspect to the definition of discrimination in ORS 659.850 for race that includes physical characteristics historically associated with race such as natural hair and hair texture (see new footnote in AC and JB for full language). Another bill, HB 3041, revised the definition of sexual orientation and added a new definition for gender identity to the protected classes. Both of these bills affected change represented in the attached model policies.

A change created by HB 2935 that is not reflected by policy changes but is still important for districts, the bill created additional criteria a school district must ensure when paying fees to a voluntary organization. In addition to the complaint policy requirements imposed on these voluntary organizations in 2019, these policies must now be equity focused. Voluntary organizations must have policies that prohibit discrimination as defined in ORS 659.850, which now includes physical characteristics related to race such as natural hair or hair texture. These equity focused policies must now also permit a student to wear religious clothing when consistent with any safety and health requirements, which will be balanced based on reasonable accommodation needs of participants for a specific activity. Further, the HB adds a provision regarding employer driven dress code or policy, amending ORS 659A.030(5), that they cannot create “a disproportionate adverse impact on members of a protected class to a greater extent than the policy impacts persons generally” (HB 2935, 2021).

Code: JB
Adopted: 11/13/90
Revised:

Equal Educational Opportunity^[]**

Every student of the district will be given equal educational opportunities regardless of age, sex, sexual orientation¹, **gender identity**, race², religion, color, national origin, disability, marital status, familial status, parental status, linguistic background, culture, socioeconomic status, capability or geographic location.

~~The district shall develop and implement an Equal Educational Opportunity Plan that assures that no~~ student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the district or denied access to facilities in the district.

~~¹ “Sexual 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 behaviors differs from that traditionally associated with the individual’s sex at birth.~~

² 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)).

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A student or parent may also access and use the district’s general complaint procedure through Board policy KL - Public Complaints.

All reports, complaints or information will be investigated.

The district will communicate the availability of policy and available complaint procedures to students and their parents through available district communication systems, and handbooks and will be published to the district website and made available at the district office during regular business hours.

A student of the district may not be subjected to retaliation by the district for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659.852	ORS 659A.406
ORS 192.630	ORS 659A.001	OAR 581-021-0045
ORS 326.051	ORS 659A.003	OAR 581-021-0046
ORS 329.025	ORS 659A.006	OAR 581-022-2310
ORS 332.107	ORS 659A.103 - 659A.145	OAR 839-003-0000
ORS 336.086	ORS 659A.400	
ORS 659.850	ORS 659A.403	

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

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 (2020).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12333 (2018).

House Bill 2935 (2021).

House Bill 3041 (2021).