Agenda

1. Transgender students and employees
2. Confederate flags, Facebook and other speech
3. Religion in Schools
4. Marijuana laws
5. Guns in schools
6. Disabled students and employees
7. Protected Class Discrimination
8. Employee Discipline and Termination
9. Student Discipline and Expulsion
Religion in Schools

Religious Freedom

The First Amendment
“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”
Lemon test.....

3 prongs.....

Does it lack a legitimate secular purpose?
Does it have the primary effect of advancing or inhibiting religion?
Does it foster excessive entanglement with religion?

Graduation at a church
MARIJUANA LAWS

Guns in Schools

DRUG FREE
GUN FREE
SCHOOL ZONE
VISITORS WILL FACE SEVERE
FEDERAL, STATE AND LOCAL
CRIMINAL TURNOVERS
Disabilities and Employees
ADAA
Section 504
IEPs
Americans with Disabilities Act

Reasonable Accommodations
- Chairs
- Computer screens
- Extended test time
- Oral testing
- Classroom seating
- Open windows
- Natural light
- Unpaid leave

Service Animals—Dogs and Miniature Horses
**Child Find**
District is required to locate, identify and evaluate all children birth to age 21 residing in its jurisdiction.

**Section 504**
- Applies to Students
- “FAPE”-Free and Appropriate Public Education
- Section 504 Plan
Special Education

- The Individuals with Disabilities Education Act ("IDEA")
- Individualized Education Program ("IEP")

Protected Class Discrimination

- Race
- Color
- National Origin
- Sex (including pregnancy-related conditions)
- Sexual orientation
- Gender identity
- Age (18 and older)
- Veteran status
- Physical or mental disability
- Familial relationship
- Marital status
- Religion
In 2016, the EEOC received 289 complaints of discrimination from Oregon employees:

- Disability - 137
- Sex - 90
- Age - 78
- Race - 45
- National Origin - 31
- Religion - 16
- Color - 11
- Retaliation - 125

[Link to EEOC Enforcement Data]

Employee Discipline and Termination
DUE PROCESS

• Notice
• Opportunity to be heard
• Neutral decision-maker
• Pre-decision required
• Post-decision optional/recommended

MARCH 15 DEADLINE

Title IX – Statutory Language

Oregon School Boards Association
Not Just Athletics

- Applies to all educational programs Students and employees
- Applies to complaints regarding sexual harassment and violence
- Also applies to athletic opportunities and programs

Transgender Students and Employees

- Names and Pronouns
- Transcripts and Diplomas
- Gender-Based Activities
- Sports and PE
- Safety and Harassment
- Instruction and Student Support
- Restroom and Locker Room Usage
Transgender Students and Employees-Guidance

- Oregon Dept. of Ed. Guidance
- U.S. Dept. of Ed. Guidance

Student Discipline and Expulsion

Expulsion

A principal, other certificated employee, or person designated by the school board, may recommend to the superintendent that a student be expelled. A recommendation for expulsion is made pursuant to the procedural requirements of state law.

No student may be expelled without a hearing unless the student is 16 years of age or older, the student is placed in a special education program, or the student has been convicted of a criminal offense. The student must be given a hearing to determine if the student is fit to return to school.

When an expulsion hearing is to occur, the following procedures are required:

1. The hearing must be held at a time and place convenient to the student and the student’s family. The hearing is to be held in the presence of the student and the student’s family.
2. The student must be provided with written notice of the charges at least 10 days before the hearing.
3. The student must be given an opportunity to present evidence in support of the student’s defense.
4. The decision on expulsion must be made by the school board, but it is incumbent on the principal to determine the hearing.
5. The decision of the school board must be in writing and must be filed with the state board of education.

In cases of suspension, the student must be suspended from school for at least three days before the appeal process begins. The appeal process must be completed within 30 days of the suspension.

The Oregon School Boards Association

Oregon School Boards Association
Discipline of Students with Disabilities

- May not discipline a student whose behavior is a manifestation of their disability.
- Manifestation hearing
Student Records:

- Federal law provides for the confidentiality of student's educational records and personally identifiable information (PII)
- PII cannot be disclosed to the public without prior written consent by the parent of the student
- Don't talk/blog/tweet/facebook about students, especially when their identities are known

QUESTIONS

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