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Chapter 581

Division 22

STANDARDS FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

581-022-2312

Every Student Belongs

(1) It is the policy of the State Board of Education that all students, employees, and visitors in public schools are entitled to learn, work, and participate in an environment that is safe and free from discrimination, harassment, and intimidation.

(2) Definitions. For purposes of this rule:

(a)(A) "Bias Incident" means a person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate.

(B) "Bias Incident" may include derogatory language or behavior.

(b) "Education program" means any program, service, school or activity sponsored by an education provider.

(c) "Education Provider" means

(A) A school district;

(B) A public charter school;

(C) The Oregon School for the Deaf;

(D) An education service district;

(E) An educational program under the Youth Corrections Education Program or the Juvenile Detention Program, as those terms are defined in ORS 326/695; or

(F) a program that receives money pursuant to ORS 343.243.

(d) "Symbol of Hate" means nooses, symbols of neo-Nazi ideology or the battle flag of the Confederacy.

(e) "School property" means any property under the control of an education provider.

(3)(a) To comply with the prohibition on discrimination required by ORS 659.850, an education provider must prohibit the display of symbols of hate on school property or in any education program.

(b) The prohibition required or allowed by this subsection does not apply to displays that align with and are used in conjunction with state standards of education for public schools.

(4) To comply with the prohibition on discrimination required by ORS 659.850, each education provider must adopt a policy to address bias incidents and displays of symbols of hate. The policy must:

(a) Affirm that all students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin;

(b) Affirm that all employees of education providers are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin;

(c) Affirm that all visitors of an education provider are entitled to participate in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or

national origin;

(d) Prohibit the display of symbols of hate on school property or in an education program; and

(e) Establishes procedures for addressing bias incidents and displays of symbols of hate. The procedures must:

(A) Apply broadly 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 act.

(B) Require the education provider to prioritize the safety and well-being of all persons impacted by the act.

(C) Require the education provider to recognize the experience of all persons impacted by the act, acknowledge the impact, commit to taking immediate action and prevent further harm against those persons impacted.

(D) Include educational components that:

(i) Address the history and impact of hate;

(ii) Advance the safety and healing of those impacted by bias and hate; and

(iii) Promote accountability and transformation for people who cause harm as well as transformation of the conditions that perpetuated the harm.

(E) Include communication protocols that provide all persons impacted by the act with information relating to the investigation and outcome of the investigation

(i) The information provided to the persons directly targeted by an act and the person who committed the act must include 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 to remedy a person's behavior and prevent reoccurrence, and, when applicable, the legal citation to any law prohibiting the disclosure of any of the information described in this subparagraph and an explanation of how that law applies to the current situation.

(ii) The information provided to the community of students as a whole who are likely to be impacted by the act must include notice that an investigation has been initiated and actions taken to prevent reoccurrence.

(F) Direct the education provider to consider whether the act implicates other civil rights laws and, if so, to respond accordingly. The nature of the conduct must determine:

(i) The process used to respond to the act;

(ii) The rights and protections available to the person impacted by the act; and

(iii) The right to appeal to the Oregon Department of Education or the United States Department of Education.

(G) Require the education provider to develop and implement instructional materials to make this policy and related practices, including reporting procedures, educational processes and possible consequences, known to all school employees and students of the education provider.

Statutory/Other Authority: ORS 326.051 & ORS 659.850

Statutes/Other Implemented: ORS 659.850

History:

[ODE 35-2021, amend filed 10/26/2021, effective 10/26/2021](#)

[ODE 6-2021, adopt filed 02/19/2021, effective 02/19/2021](#)

[ODE 36-2020, temporary adopt filed 09/18/2020, effective 09/18/2020 through 03/16/2021](#)

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