

AGENDA
Southern Oregon Education Service District
SPECIAL MEETING

5:00 PM – Monday, December 14, 2020

*Join by computer: <https://soesd.zoom.us/j/97762491735>

Join by phone: +1 669 900 6833

Meeting ID: 977 6249 1735



1. Open Session

- A. Call to Order
- B. Roll Call
- C. **Requests to Address Agenda Items

2. Administration

Second Reading: Board Policy 5930 – All Students Belong

3. Adjournment

*Due to statewide restrictions and efforts to reduce the spread of COVID-19, the meeting of the Southern Oregon ESD Board of Directors will be conducted online.

**Members of the community will have opportunity to provide public comment regarding a specific agenda topic during the preliminary portion of the meeting. If you wish to speak to a specific agenda item, complete the request form provided at this link by 12:00 noon on Monday, December 14, 2020:

<https://forms.gle/M5ZkYWCnJoEuwHTi9>

**ANNOTATED AGENDA
SPECIAL MEETING
SOUTHERN OREGON EDUCATION SERVICE DISTRICT**

5:00 PM – Wednesday, December 14, 2020

Video/Audio Conference

Join by computer: <https://soesd.zoom.us/j/97762491735>

Join by phone: +1 669 900 6833

Meeting ID: 977 6249 1735

1. Open Session

- A. Call to Order
- B. Roll Call
- C. Requests to Address Agenda Items

2. Administration

Second Reading: Board Policy 5930 – All Students Belong

On September 17, 2020, the Oregon State Board of Education adopted a temporary Oregon Administrative Rule ([OAR 581-022-2312](#)) – All Students Belong. This rule took effect the following day and takes an unprecedented step to protect some of our schools' most marginalized students, as well as staff and others. The rule requires that by January 1, 2021 school districts, ESDs, public charter schools, and others receiving state funding for education adopt a policy prohibiting symbols of hate, addressing bias incidents, and establishing complaint procedures. The SOESD Board reviewed a first reading of Board Policy 5930 on October 21, 2020. A second reading of the policy is presented for your final review and approval. ([Pages 3-6](#))

PROPOSED ACTION: Move to approve Board Policy 5390 – All Students Belong as presented.

3. Adjournment

SECOND READING

5930 All Students Belong

Southern Oregon Education Service District is committed to equity and the success of each and every student. This commitment means we focus on attaining student outcomes that are not predicted by diversity such as race, color, religion, gender identity, sexual orientation, disability or national origin.

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.

All employees 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.

All visitors 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.

Adopted _____

ORS 659.850
ORS 659.852
OAR 581-002-0005
OAR 581-022-2312
OAR 581-022-2370

BOARD REGULATIONS

5931 “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. Bias incidents may include derogatory language or behavior directed at or about any of the preceding demographic groups.

5932 “Symbol of hate” means a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including, the noose, swastika, or confederate flag¹, and whose display:

1. Is reasonably likely to cause a substantial disruption of or material interference with school activities; or

¹ While commonly referred to as the “confederate flag,” the official name of the prohibited flag is the Battle Flag of the Armies of Northern Virginia.

2. Is reasonably likely to interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

5933 Southern Oregon ESD prohibits the use or display of any symbols of hate on ESD grounds or in any ESD- or school-sponsored program, service, school or activity that is funded in whole or in part by monies appropriated by the Oregon Legislative Assembly, except where used in teaching curriculum that is aligned to the Oregon State Standards.

5934 In responding to the use of any symbols of hate, Southern Oregon ESD will use non-disciplinary remedial action whenever appropriate.

5935 Southern Oregon ESD prohibits retaliation against an individual 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 any rights guaranteed under state and federal law.

5936 Nothing in this policy is intended to interfere with the lawful use of Southern Oregon ESD facilities pursuant to a lease or license.

5937 Southern Oregon ESD will use the Bias Incident Complaint Procedure to process reports or complaints of bias incidents.

END OF POLICY

Bias Incident Complaint Procedure

The term “bias incident” is defined in policy. Persons impacted by a bias incident shall be defined broadly to include individuals at whom an incident was directed as well as students in the larger school community likely to be impacted by the incident.²

Step 1: When a staff member learns of a potential bias incident, the staff member will prioritize the safety and well-being of all persons impacted and report the incident to their supervisor and superintendent.

Step 2: The superintendent or designee shall acknowledge receipt of the complaint, and investigate any complaint of a bias incident. The superintendent or designee will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and prevent further harm against those persons impacted from taking place. Redirection procedures, if any, will include:

- Educational components that address the history and impact of hate;
- Procedural components to ensure the safety, healing, and agency of those impacted by hate;
- Accountability and transformation for people who cause harm; and
- Transformation of the conditions that perpetuated the harm.

The superintendent or designee must consider whether the behavior implicates other ESD policies or civil rights laws, and if so, respond accordingly.

The superintendent or designee will make a decision within 30 days of receiving the complaint.

All persons impacted will be provided with information relating to the investigation and the outcome of the investigation. At a minimum, the information provided must include:

- That an investigation has been initiated;
- When the investigation has been completed;
- The findings of the investigation and the final determination based on those findings; and
- Actions taken with the person or persons who committed the harassing behavior to remedy the behavior and prevent reoccurrence when the actions relate directly to a person impacted by the event.

If any of the above information cannot be shared, a citation to the law prohibiting release and an explanation of how that law applies to the current situation will be provided.

This decision will be the final decision for the district and board.

Complaints against an employee’s supervisor or the superintendent’s designee can be directed to the superintendent. Complaints against the superintendent or a Board member(s) can be directed to the Board

² The term “complainant” in this administrative regulation includes persons filing formal complaints and persons reporting bias incidents, regardless of whether the complainant is a victim. Similarly, the term “complaint” includes any report, information or complaint.

Chair, and if against the Board Chair, to the Board Vice-Chair. Individuals reviewing the complaint will ensure that all requirements are met.

The complainant, if a person who resides in the ESD service area or a parent or guardian of a student who attends school in the ESD service area is not satisfied after exhausting local complaint procedures, the ESD fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal³ the ESD's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.⁴

ESD administration will develop and implement instructional materials to ensure that all school employees and staff are made aware of this procedure and related practices. The materials will include reporting procedures, educational processes, and possible consequences.

When necessary, timelines may be adjusted by the ESD by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.

³ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

⁴ Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>