

Other Miscellaneous

OSBA Policy Updates, Proposed 01/10/2022 - 2nd & FINAL READING

Proposed OSBA Policy Update– **1st READING** - *result of changes made by the Oregon Legislature and the Oregon State Board of Education over the past several months. House Bill 2697 (2021) takes effect on January 1, 2022, and we encourage Boards to delete current versions and replace the policy and AR*

ACB – Every Student Belongs, Required
ACB-AR – Every Student Belongs, Required

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Proposed Policy KL and KL-AR Update – **1st READING** – *To align with other updated policies and clarify process.*

KL – Public Complaints
KL-AR(1) Public Complaints procedures
KL-AR(2) Public Complaints form

Pages 7 - 15

Jefferson County School District 509J

Code: ACB
Adopted: 12/07/20, Proposed 12/13/21, 1st Reading

Every Student Belongs~~All Students Belong~~

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 a school or educational~~an~~ environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

"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.~~

~~"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 flag[1], and whose display:~~

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

~~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.~~

"Symbol of hate" means nooses[2], symbols of neo-Nazi ideology or the battle flag of the Confederacy.

The district prohibits the use or display of any symbols of hate{[3]} on ~~district or~~ school property[4]~~grounds~~ or in an education~~any district- or school-sponsored~~ program[5]~~, service, school or activity that is funded in~~

~~[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] [The display of a noose on public property with the intent to intimidate may be a Class A Misdemeanor under Senate Bill 398 (2021).]

[3] {Prior to adopting the symbols of hate prohibition, or adding other symbols to the list, we recommend that the district document why the district feels that the presence of these symbols will cause a "material and substantial interference with schoolwork or discipline" or collide "with the rights of other students to be secure and be let alone." These reasons may include previous incidents, current conditions in the schools and other factors.}

[4] "School property" means any property under the control of the district.

[5] "Education program" includes any program, service, school or activity sponsored by the district.

~~whole or in part by monies appropriated by the Oregon Legislative Assembly,~~ except where used in teaching curriculum that is aligned with state standards of education for public schools~~to the Oregon State Standards~~.

In responding to the use of any symbols of hate or bias incidents, the district will use non-disciplinary remedial action whenever appropriate.

The district prohibits retaliation against an individual{[6]} 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 has in good faith reported information that the individual believes is evidence of a violation of a state or~~for exercising any rights guaranteed under state and~~ federal law, rule or regulation.

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

The district will use administrative regulation ACB-AR - Bias Incident Complaint Procedure to process reports or complaints of bias incidents.

END OF POLICY

Legal Reference(s):

ORS 659.850
ORS 659.852
OAR 581-002-0005
OAR 581-022-2312
OAR 581-022-2370
House Bill 2697 (2021)
House Bill 3041 (2021)

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).
Dariano v. Morgan Hill Unified Sch. Dist., 767 F.3d 764 (9th Cir. 2014).
State v. Robertson, 293 Or. 402 (1982).

Cross Reference(s):

AC - Nondiscrimination
GBEA - Workplace Harassment
GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff
GBN/JBA - Sexual Harassment
JBA/GBN - Sexual Harassment
JBB - Educational Equity
JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student

Corrected 11/10/21

[6] {ORS 659.852 prohibits retaliation only against students. Other statutes (and other complaint procedures) prohibit retaliation against staff and others for reporting or providing information regarding a complaint or investigation.}

Jefferson County School District 509J

Code: ACB-AR
Adopted: 12/07/20, Proposed 12/13/21, 1st Reading

Bias Incident Complaint Procedure

The terms "bias incident" and "symbols of hate" are~~is~~ defined in policy. Persons impacted by a bias incident or display of a symbol of hate shall be defined broadly to include persons directly targeted by~~individuals at whom~~ an act,~~incident was directed~~ as well as ~~students in~~ the ~~larger school~~ community of students as a whole who are likely to be impacted by the act~~incident~~.[1]

Step 1: When a staff member learns of a potential bias incident or display of a symbol of hate, the staff member will prioritize the safety and well-being of all persons impacted and without unreasonable delay report the incident to the building or program administrator.

Step 2: The administrator or designee shall acknowledge receipt of the complaint, reduce the complaint to writing, and investigate any complaint of a bias incident. Responding staff will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and commit to preventing~~prevent~~ further harm against those persons impacted from taking place. Educational components and redirection~~Redirection~~ procedures, if any, will ~~include~~:

- Address~~Educational components that address~~ the history and impact of bias and hate;
- Advance~~Procedural components to ensure~~ the safety and~~,~~ healing~~, and agency~~ of those impacted by bias and hate;
- Promote accountability~~Accountability~~ and transformation for people who cause harm; and
- Promote transformation~~Transformation~~ of the conditions that perpetuated the harm{[2]}.

The administrator or designee must consider whether the behavior implicates other district policies or civil rights laws, and if so, respond accordingly[3].

The administrator or designee will determine responsibility within 15 days of receiving the complaint.

[1] 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.

[2] {Additional guidance from ODE can be found here.}

[3] The nature of the behavior or act must determine the process used to respond; what rights and protections are available to the person(s) impacted by the behavior or act; and an individual's right to appeal to the Oregon Department of Education or the U.S. Department of Education.

All persons impacted by the act will be provided with information[4] relating to the investigation and ~~the~~ outcome of the investigation, including~~. At a minimum, the information provided must include~~:

- Notice that~~That~~ an investigation has been initiated;
- Notice when an ~~When the~~ investigation has been completed;
- Findings~~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 a person's~~the~~ behavior and prevent reoccurrence; and ~~when the actions relate directly to a person impacted by the event.~~

When applicable, the legal ~~If any of the above information cannot be shared, a~~ citation of any~~to the~~ law prohibiting disclosure of any information described above,~~release~~ and an explanation of how that law applies to the current situation~~. will be provided.~~[5]

Step 3: If complainant or a respondent wishes to appeal the decision of the administrator or designee, the complainant or respondent may submit a written appeal to the superintendent within five school days after receipt of the administrator or designee's response to the complaint.

The superintendent or designee shall acknowledge receipt of the appeal and may meet with all parties involved. The superintendent or designee will review the merits of the complaint and the administrator or designee's decision. The superintendent or designee will respond in writing to the complainant within 15 school days.

The superintendent or designee will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 3, as appropriate.

Step 4: If the complainant or respondent is not satisfied with the decision of the superintendent or designee, a written appeal may be filed with the Board within five school days of receipt of the superintendent or designee's response to Step 3. The Board may decide to hear or deny the request for appeal at a Board meeting. The Board may use an executive session if the subject matter qualifies under Oregon law. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative at a Board meeting. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing within 10 days of this meeting.

The Board will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 4, as appropriate.

Complaints can be filed with or communicated directly to the administrator or designee, in which case Step 1 will be skipped. Complaints against the administrator can be directed to the superintendent or designee and will begin at Step 3. Complaints against the superintendent or a Board member(s) can be

[4] For additional information regarding required notices, see OAR 581-022-2312(4)(e)(E).

[5] ~~Refer to policies GBL – Personnel Records, JOA – Directory Information and JOB – Personally Identifiable Information and district legal counsel for guidance in these situations. Possible laws include, but are not limited to, Title 34 C.F.R. § 99.31 and ORS 342.850.~~

directed to the Board and will begin at Step 4. If complaints begin later than Step 1, the individuals reviewing the complaint will ensure that all requirements are met.

The complainant, if a person who resides in the district, ~~or~~ a parent or guardian of a student who attends school in the district or a student, is not satisfied after exhausting local complaint procedures, the district 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 appeal[6] the district'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.[7]

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

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

Corrected 11/10/21

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

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

Jefferson County School District 509J

Code: **KL**
Adopted: PROPOSED ON 12/13/2021, 1st Reading
Readopted:
Orig. Code(s): KL

PUBLIC COMPLAINTS

The Board recognizes the need for the orderly resolution of complaints brought by parents, guardians, or members of the community. The Board believes that all such complaints should be addressed and resolved as close to their origin as possible, but some complaints require a multi-step effort to resolve. Therefore, complaints will be processed through the complaint procedures set forth in administrative regulation KL-AR before investigation or action by the Board, unless a complaint concerns Board policies or actions.

The Board provides members of the public to provide public comment at its regularly scheduled board meetings. However, public comment concerning a personnel matter will not be allowed in open session.

Jefferson County School District 509J

Code: **KL-AR** (1)
Revised/Reviewed: PROPOSED ON 12/13/2021
Orig. Code(s):

Complaints, questions and concerns about issues and events over which the District has control shall be processed thoroughly and in a timely manner.

Certain categories of complaints must be processed under other District policies and administrative regulations as a result of federal or state law and/or confidentiality issues. They include:

- Complaints alleging discrimination based upon a complainant's protected class status are processed under administrative regulation AC-AR (Discrimination Complaint Procedure)
- Complaints alleging sexual harassment of District students are processed under administrative regulation JBA/GBN-AR (Sexual Harassment Complaint Procedure).
- Complaints alleging sexual harassment of District staff are processed under administrative regulation GBN/JBA-AR (Sexual Harassment Complaint Procedure).
- Complaints alleging hazing, harassment, intimidation, menacing, bullying, cyberbullying, teen dating violence or domestic violence of a student are processed under administrative regulation JFCF-AR (Hazing/Harassment/Intimidation/Menacing/Bullying/Cyberbullying/Teen Dating Violence/Domestic Violence Complaint Procedure– Student).
- Complaints alleging hazing, harassment, intimidation, bullying or menacing of staff are processed under administrative regulation GBNA-AR (Hazing/Harassment/Intimidation/Bullying/Menacing Complaint Procedure – Staff).
- Complaints about the District's adoption of instructional materials are processed under administrative regulation IIA-AR (Instructional Materials Selection)
- Complaints about special education or Section 504 of the Rehabilitative Services Act are handled through the dispute resolution procedures established by the U.S. Department of Education and/or the Oregon Department of Education.
- Complaints about the District's response to public records request should be directed to the Deschutes County District Attorney in accordance with ORS 192.415(1)(a)

The District will process all other complaints using the following procedures:

Step One – Informal Resolution

When practical, the complainant shall attempt to informally resolve his or her complaint with the District employee most directly involved in the matter resulting in the complaint. All communications shall be polite and respectful.

Step Two – Formal Complaint

If a complaint is not resolved informally at Step One, the complainant may submit a written complaint to the employee's immediate supervisor or to the building principal, as appropriate, within ten school days from the last attempted informal resolution under Step One. The written complaint should include specific details describing the incident, act or condition giving rise to the complaint, informal efforts to resolve the complaint under Step One, and the requested remedy. The supervisor or building principal shall in a timely manner investigate, decide upon the merits of the complaint, and determine the appropriate action to be taken, if any. To the extent allowed by state and federal confidentiality laws, the supervisor or building principal shall provide complainant with a timely written response. The written response may be provided by email.

Step Three – Appeal to Superintendent

If a complainant is unsatisfied with the response at Step Two, he or she may appeal the response to the Superintendent in writing within ten school days of receiving the response. The Superintendent or designee shall in a timely manner review the appeal and the investigation conducted under Step Two. At his or her discretion, the Superintendent or designee may conduct, or cause to be conducted, further investigation into the complaint. The Superintendent or designee shall make a decision on the merits, and to the extent allowed by state and federal confidentiality laws, provide complainant with a timely written response. The written response may be provided by email.

Step Four – Appeal to School Board

If a complainant is unsatisfied with the response at Step Three, he or she may appeal to the Board in writing within ten school days of receiving the Step Three response. At its next regularly scheduled meeting, the Board shall review the record of the complaint from prior steps to determine whether it warrants further consideration, and if so, how it will proceed. In its discretion, the Board may conduct or cause to be conducted further investigation, request further written submissions from the complainant and/or other individuals involved, and/or conduct a hearing.

The Board shall notify the complainant in writing in a timely manner as to whether it will undertake further consideration and if so, the process it will follow to do so. Should the Board decide to proceed with a hearing, the notice to the complainant will describe the time, date, location and format of the hearing. The Board's decision

not to undertake further consideration shall be considered a final decision of the District for purposes of an appeal to the Oregon Department of Education under OAR 581-021-0570 and OAR 581-022-2370.

Should the Board decide to undertake further consideration of the complaint, at the conclusion of its consideration process and to the extent allowed by state and federal confidentiality laws, it shall provide complainant with a timely written response. The written response may be provided by email.

Notwithstanding the steps described above, complaints about a program supervisor (i.e., director of student services) or building principal may be initiated at the Superintendent's level, and a complaint about the Superintendent may be initiated at the Board level.

In the event a complainant has asserted multiple complaints against the District, the complaints may be consolidated and addressed together under Steps Two, Three and/or Four.

The District shall endeavor to complete each of its required responses under Steps Two, Three and Four within 30 days. Should more time be required under any of these steps, the complainant will be notified and provided with an estimated time for the District's response under the applicable step. The District shall endeavor to complete all steps under this administrative regulation within 90 days.

The District shall have no obligation to consider complaints asserted:

- Two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, this time limitation runs from the date of the most recent incident;
- One year after the affected student has graduated from, moved away from, or otherwise left the District.

In accordance with OAR 581-022-2370, a complainant may appeal directly to the Deputy Superintendent of Public Instruction for complaints alleging:

- A violation of ORS 339.285 to 339.303 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion);
- A violation of ORS 659.850 or OAR 581-021-0045 (Discrimination)
- A violation of OAR 581-021-0046 (Program Compliance Standards for Purposes Related to Discrimination)
- A violation of OAR 581-021-0047 (Prohibition against Using Native American Mascots)
- A violation of ORS 659.852 (Retaliation)
- A violation of Oregon Administrative Rules, Chapter 581, Division 022 (Division 22 Standards)

Jefferson County
School District 509J

Code: **KL-AR** (2)
Revised/Reviewed: Unknown; 7/23/18
Update proposed
12/13/21, 1st Reading

Suggestion, Complaint or Commendation Regarding an Employee, Program or Service

The district is interested in suggestions, complaints and commendations involving employees, programs and services. When a complaint is registered, we are interested in investigating the incident to see if there has been a misunderstanding or if some corrective action should be taken. Commendations are of value to the district because they improve morale and encourage district employees to take pride in their work and do more than is ordinarily expected of them.

We welcome comments and request you fill in the information requested below. Please submit the completed form to the program supervisor or school administrator.

_____ _____
Your Name Date of Suggestion, Complaint or Commendation

_____
Address

_____
Telephone

Nature of Suggestion, Complaint or Commendation:
_____

Source of your information:

Remedy Sought:

_____ _____
Signature of Program Supervisor or Administrator Date received

Jefferson County School District 509J

Code: **KL**
Adopted: 7/28/97
Readopted: 9/12/16; 7/23/18; 11/04/19
Orig. Code: KL

Public Complaints**

Board members recognize that complaints about schools may be voiced by employees, students, parents of students who attend a school in the district, and persons who reside in the district. When such complaints are made to a Board member, the Board member shall refer the person making the complaint to the superintendent or designee. A Board member shall not attempt to respond, review, handle or resolve such complaints as the individual board member has no authority to do so.

A complaint of retaliation against a student who in good faith reported information that the student believes is evidence of a violation of state or federal law, rule or regulation, should be made to the superintendent.

A person may initiate a complaint be discussing the matter with the administrator. That administrator shall attempt to resolve the complaint within 10 school days of initiation of the complaint by discussion with the administrator. If the complainant is dissatisfied, the complainant may file a written complaint with the superintendent within 10 school days of the decision from the administrator. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved after 15 working days of receipt of the complaint by the superintendent, the complainant may appeal to the Board. A written complaint referred to the Board may be considered at the next regularly scheduled or special Board meeting. A final written decision regarding the complaint shall be made by the Board within 30 school days from receipt of the complaint. The written decision of the Board will be final and will address each allegation in the complaint and reasons for the decision. If the Board chooses not to hear the complaint, the superintendent's decision is final. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.

The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.

The district may offer mediation or other alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution.

Complaints against the principal should be filed with the superintendent. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved within 15 working days of receipt by the superintendent, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party.

DELETE

When the investigation is complete, the results will be presented to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide within 20 days in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide within 20 days in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Board chair should be referred directly to the district counsel on behalf of the Board. The district counsel shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide within 20 days in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

A complainant must file a complaint within the later of any other time limit set below, in accordance with State law:

1. Within two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident; or incidents that are continuing in nature, the time limitation must run from the date of the most recent incident; or

2. Within one year after the affected student has graduated from, moved away from or otherwise left the district.

The district's final decision for complaints processed under this Board policy that alleges a violation of Oregon Administrative Rules (OAR) Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 to 339.303 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the district's decision. If the complainant is a student, parent or guardian of a student attending school in the district or a person that resides in the district, and the complaint is not resolved through the complaint process above, the complainant may file an appeal[1] rights with the Deputy Superintendent of Public Instruction under OAR 581-002-0001 – 581-002-0023.

END OF POLICY

Legal Reference(s):

ORS 192.660
ORS 332.107
ORS 659.852
OAR 581-002-0001 - 002-0005
OAR 581-022-2370

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

DELETE

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

Cross Reference(s):

IIA - Instructional Resources/Instructional Materials

DELETE

Jefferson County
School District 509J

Code: **KL-AR**
Revised/Reviewed: Unknown; 7/23/18

Suggestion, Complaint or Commendation Regarding an Employee, Program or Service

The district is interested in suggestions, complaints and commendations involving employees, programs and services. When a complaint is registered, we are interested in investigating the incident to see if there has been a misunderstanding or if some corrective action should be taken. Commendations are of value to the district because they improve morale and encourage district employees to take pride in their work and do more than is ordinarily expected of them.

We welcome comments and request you fill in the information requested below. Please submit the completed form to the program supervisor or school administrator.

Your Name _____ Date of Suggestion, Complaint or Commendation _____

Address _____

Telephone _____

Nature of Suggestion, Complaint or Commendation:

_____

Source of your information:

Remedy Sought:

Signature of Program Supervisor or Administrator _____ Date received _____

DELETE