

David Douglas School District

Code: ACB
Adopted: 12/10/20
Revised/Readopted:

Every ~~All~~ Students Belongs

The Board is committed to the success of every student in each of our schools graduating ready for college, career, and life.

“Educational equity” means each and every learner will receive the necessary resources they need individually to thrive in Oregon’s schools no matter what their national origin, race, gender, sexual orientation, differently abled, and geographic location.

This requires differentiating resource allocation, within budgetary limitations, to meet the needs of students who need more supports and opportunities to succeed academically. A student whose history and heritage are appreciated and celebrated will learn better and be more successful than if that student is forced to overcome a cultural barrier.

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 ~~nooses^[1], symbols of neo-Nazi ideology a symbol, image, or object that expresses hostility or ill feeling on the battle~~ ~~basis of race, color, religion, gender identity, sexual orientation, disability or national origin including, the noose, swastika, or confederate flag², and whose display:~~

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

¹ [The display of a noose on public property with the intent to intimidate may be a Class A Misdemeanor under Senate Bill 398 (2021).]

² ~~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.~~

The district prohibits the use or display of any symbols of hate^{3} on school property⁴ ~~district grounds~~ or in an education ~~any district or school sponsored~~ program⁵; ~~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 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).

~~The three paragraph introduction was copied from the David Douglas Educational Equity Policy—IGAB~~

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.

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.}