



Lexi Louis <lexi_louis@rsd.k12.or.us>

OSBA - Release of All Students Belong model sample policy

Spencer Lewis <slewis@osba.org>
To: Lexi Louis <lexi_louis@rsd.k12.or.us>

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Dear Education Leaders,

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.

This rule requires that districts, ESDs, public charter schools and others receiving state funding for education adopt a policy prohibiting symbols of hate and addressing bias incidents by January 1, 2021. This policy is now available for districts, ESDs and public charter schools on the OSBA website: http://www.osba.org/Resources/Article/Board_Policy/Sample_policy_ACB.aspx. As a Division 22 requirement, districts will be required to verify that they are in compliance.

This rule prohibits the "use or display" of symbols of hate, including the noose, swastika, and confederate flag. The policy that you adopt must reflect this prohibition. Before adoption, we recommend that you forestall potential legal challenges by documenting the following:

- Previous incidents arising from the presence of these symbols or related issues;
- Why the presence of these symbols would cause a material and substantial disruption to the educational environment; and
- How these symbols interfere with other students' right to be secure and let alone in their schools.

The rule allows adding to the list of prohibited symbols, but we strongly recommend that you consult with your legal counsel before doing so.

The rule also defines a "bias incident" and requires related procedures and requirements. Because these requirements are unique to bias incidents, we have created a separate complaint procedure. If you want to incorporate this into existing complaint procedures, we recommend that you work closely with your legal counsel.

We expect that this temporary rule will be made permanent by the State Board of Education, and also that it could face legal challenges. We will update the model policy and administrative regulation as needed.

This policy will also be included in our *Policy Update* later this month. Policy Plus subscriptions will be processed at that time. The Oregon Department of Education will also be releasing guidance to assist with implementation.

Spencer Lewis

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Director of Policy Services

Oregon School Boards Association

www.osba.org | slewis@osba.org

1-800-578-6722