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ALL STUDENTS BELONG

Summary

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. 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 adopted policy must reflect this prohibition. Before adoption, we recommend documenting the following to forestall potential legal challenges:

- 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

This publication is designed to provide accurate and authoritative information regarding the subject matter covered. It is furnished with the understanding that policies should be reviewed by the district's legal counsel.

- How these symbols interfere with other students' right to be secure and be let alone in their schools.

The rule allows adding to the list of prohibited symbols, but we strongly recommend consulting 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, there is a separate complaint procedure. If considering incorporating bias incidents into other complaint procedures, please work closely with 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.

Legal Reference

See model sample

Collective Bargaining Impact

None

Local District Responsibility

Review the required policy and administrative regulation for consideration and adoption into the board's policy manual. Please review and consider guidance noted above.

Policy Implications

ACB – All Students Belong, Required

ACB-AR – Bias Incident Complaint Procedure, Required

FMLA/OFLA and COVID-19 LEAVE

Summary

In September 2020, BOLI made permanent, BLI 7-2020, its temporary rule, BLI 4-2020, that provided sick child leave to include absence to care of an employee's child whose school or child care provider has been closed in conjunction with a statewide public health emergency declared by a public health official.

BOLI also adopted temporary rule BLI 8-2020 that identifies and defines the scope of what is a "child care provider", defines "closure" for the purposes of school and child care providers, and allows this use of sick child leave for intermittent school or child care closures.

Legal Reference

OAR 839-009-0230

OAR 938-009-0210

OAR 839-009-0250

Collective Bargaining Impact

Review collective bargaining agreement for any OFLA related leave.