

DRAFT

SUMMARY

Requires education provider to prohibit use or display of any symbols of hate on school property or in education program.

Prescribes requirements that education provider must have in policy related to bias incidents and displays of symbols of hate.

A BILL FOR AN ACT

Relating to school inclusivity.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a)(A) “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.

(B) “Bias incident” may include derogatory language or behavior.

(b) “Education program” means any program, service, school or activity sponsored by an education provider.

(c) “Education provider” means:

(A) A school district;

(B) A public charter school;

(C) The Oregon School for the Deaf;

(D) An education service district;

(E) An educational program under the Youth Corrections Education Program or the Juvenile Detention Education Program, as those terms are defined in ORS 326.695; or

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (F) A program that receives moneys pursuant to ORS 343.243.

2 (d) "School property" means any property under the control of an
3 education provider.

4 (e)(A) "Symbol of hate" means a symbol, image or object that ex-
5 presses animus on the basis of race, color, religion, gender identity,
6 sexual orientation, disability or national origin and the display of
7 which:

8 (i) Is reasonably likely to cause a substantial disruption of, or ma-
9 terial interference with, school activities; or

10 (ii) Is reasonably likely to interfere with the right of a student to
11 have full access to the services, activities and opportunities offered by
12 a school.

13 (B) "Symbol of hate" may include a noose, swastika or Confederate
14 flag.

15 (2) An education provider must prohibit the use or display of any
16 symbols of hate on school property or in an education program. The
17 prohibition required by this subsection does not apply to uses or dis-
18 plays that align with state standards of education for public schools.

19 (3) Each education provider must adopt a policy to address bias in-
20 cidents and displays of symbols of hate. The policy must:

21 (a) Affirm that all students are entitled to a high quality educa-
22 tional experience free from discrimination or harassment based on
23 perceived race, color, religion, gender identity, sexual orientation,
24 disability or national origin.

25 (b) Affirm that all employees of education providers are entitled to
26 work in an environment that is free from discrimination or
27 harassment based on perceived race, color, religion, gender identity,
28 sexual orientation, disability or national origin.

29 (c) Affirm that all visitors of an education provider are entitled to
30 participate in a school or educational environment that is free from
31 discrimination or harassment based on perceived race, color, religion,

gender identity, sexual orientation, disability or national origin.

(d) Prohibit bias incidents or the use or display of any symbols of hate on school property or in an education program.

(e) Establish procedures for addressing bias incidents and displays of symbols of hate. The procedures must:

(A) Apply broadly to include persons directly targeted by an act, as well as the community of students as a whole who are likely to be impacted by the act.

(B) Require the education provider to prioritize the safety and well-being of all persons impacted by the act.

(C) Require the education provider to recognize the experience of all persons impacted by the act, acknowledge the impact, commit to taking immediate action and commit to preventing further harm against those persons impacted.

(D) Include educational components that:

(i) Address the history and impact of bias and hate;

(ii) Advance the safety and healing of those impacted by bias and hate; and

(iii) Promote accountability and transformation for people who cause harm as well as transformation of the conditions that perpetuated the harm.

(E) Include communication protocols that provide all persons impacted by the act with information relating to the investigation and outcome of the investigation, including:

(i) Notice that an investigation has been initiated;

(ii) Notice when an investigation has been completed;

(iii) The findings of the investigation and the final determination based on those findings;

(iv) Actions taken to remedy a person's behavior and prevent recurrence; and

(v) When applicable, the legal citation of any law prohibiting the

disclosure of any of the information described in this subparagraph and an explanation of how that law applies to the current situation.

(F) Direct the education provider to consider whether the act implicates other civil rights laws and, if so, to respond accordingly.

(G) Require the education provider to develop and implement instructional materials to make this policy and related practices, including reporting procedures, educational processes and possible consequences, known to all employees and students of the education provider.

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