

Linn Benton Lincoln Education Service District

Code: **ACB**
Adopted: 12/15/2020
Revised: 1/19/2022

Every Student Belongs

The ESD is committed to the equity and the success of every student we serve. This commitment means we focus on serving and supporting students and districts in attaining student outcomes that are not predicted by student demographics.

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 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 nooses¹, symbols of neo-Nazi ideology or the battle flag of the Confederacy.

The ESD prohibits the use or display of any symbols of hate on school property² or in an education program³ except where used in teaching curriculum that is aligned with state standards of education for public schools.

In responding to the use of any symbols of hate, the ESD will use non-disciplinary remedial action whenever appropriate.

The ESD prohibits retaliation against an individual⁴ because that individual has in good faith reported information that the individual believes is evidence of a violation of a state or federal law, rule or regulation.

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 “School property” means any property under the control of the ESD.

³ “Education program” includes any program, service, school or activity sponsored by the ESD.

⁴ {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.}

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

The ESD 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](#)

HB 2697(2021)

[OAR 581-002-0005](#)

[OAR 581-022-2312](#)

HB 3041 (2021)

[OAR 581-022-2370](#)

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).