



# Latino/a/x & Indigenous\* Advisory Group Meeting

January 17, 2023

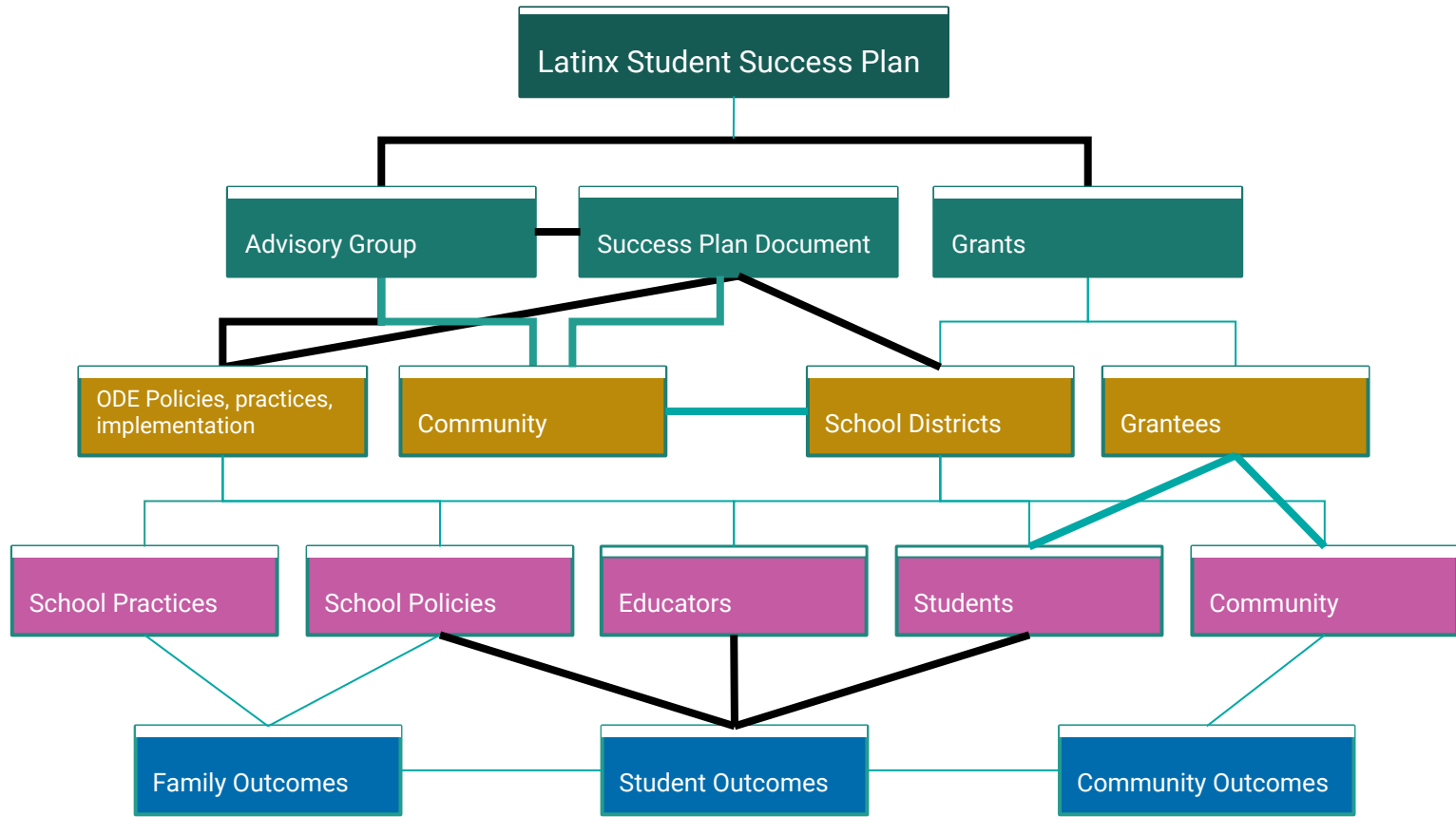
# Agenda

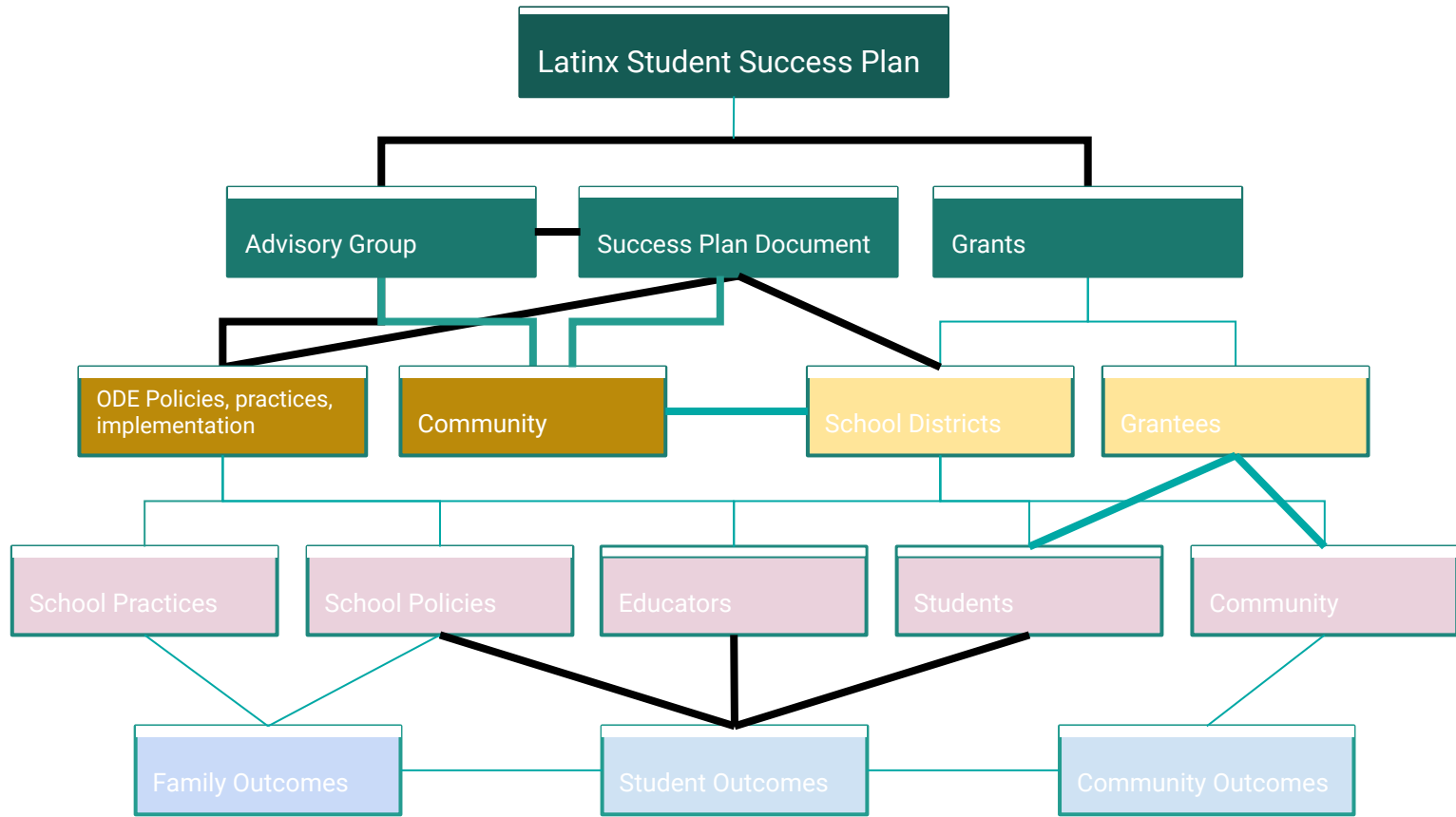
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1. Welcome & Agenda Review
2. Advisory Group Goal Setting, Part 3
3. Guest Presentation: **Updating Discrimination Policies**
4. Grantee Presentation
5. Announcements & Closing



# Goal Setting





# Reviewing Advisory DRAFT Goals



Oregon Department of Education

## Success Plan

1. Ensure the Latino/a/x & Indigenous Student Success Plan reflects the needs, wants, and desires of the community
  - a. Have we engaged our community to provide input and feedback?
    - Plan updates
  - b. Have we made an effort to share the plan with community members?
    - Community Engagement Campaign

# Reviewing Advisory DRAFT Goals



Oregon Department of Education

## Success Grants

1. Ensure grants support community-based organizations in equitable ways
  - a. Develop CBO appropriate metrics
    - REL NW Project
  - b. Ensure stronger CBO and district partnerships
    - CBO partnership toolkit
2. Develop robust evaluation plan to measure success and impact of grants
  - a. Share report with Legislature
  - b. Make strong case for continued funding
    - Grantee Reports
    - Analyzing ODE data
    - Biennial Report to Legislature
    - Evaluation Plan

# Reviewing Advisory DRAFT Goals



Oregon Department of Education

## Internal ODE Plan Implementation

1. Ensure cross-office collaboration and accountability
  - a. Latinx Plan outcomes align with SIA
  - b. Latinx Plan outcomes align with SSA plans
    - TBD
2. Develop guidance and/or a toolkit for schools and districts to meet the needs of their Latinx students
  - a. Latinx Student Success Toolkit
    - Toolkit or guidance document







# Discrimination OAR Updates

December 2022

**Kate Hildebrandt** (she/her)  
Civil Rights and Title IX Specialist

**Karin Moscon** (she/her)  
Civil Rights Education Specialist and MOA Program Coordinator

# Rationale for Proposed Changes

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Purpose: to clarify requirements around nondiscrimination, to better align state law with federal law, and to clarify rights for students, families, school staff, and community members.

Informed by community requests and feedback:

- Winter/Spring 2022 community feedback survey and engagement on the *2016 Guidance on Supporting Transgender Students*
- Summer 2022 community engagement sessions on ODE complaints and appeals process

# Background: Discrimination

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Discrimination is “any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation” based on Oregon’s 10 protected classes:

Age

Color

Disability

Gender  
Identity

Marital  
Status

National  
Origin

Race

Religion

Sex

Sexual  
Orientation

# Proposed Changes Overview

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Division 21: School Governance and Student Conduct

OAR 581-021-0045: Discrimination Prohibited

OAR 581-021-0046: Program Compliance Standards

Division 22: Standards for Public Elementary and Secondary Schools

OAR 581-022-2370: Complaint Procedures

Division 2: Accountability Reporting (*i.e., ODE complaint and appeals process*)

OAR 581-002-0001: Definitions

OAR 581-002-0003: Scope

# Guiding Questions

How will these changes impact:

- students?
- school policies and procedures?
- school staff?
- families and community members?

Are there any unintended consequences of these changes?

What alternatives should ODE consider?

# Technical Fixes Throughout

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- Explicitly add public charter schools to the list of covered entities in discrimination rules
- Add gender identity as a protected class where it was missing in rule, in alignment with HB 3041 (2021)

# OAR 581-021-0045: Discrimination Prohibited

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- Add definitions for disability and sex
- Add “actual or perceived” to some definitions where it did not already exist
- Add definitions under (1)(d) “National Origin” that point to the definitions of the Latino/a/x and Indigenous Student Success Plan Grant Program in OAR 581-017-0693
- Add a requirement for schools to issue a Notice of Nondiscrimination that covers all Oregon protected classes.



**(4)(a) A district must issue notice of nondiscrimination for the purpose of notifying students, staff, and third parties that the district does not discriminate on the basis of age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, and gender identity.**

**(b) Notice of nondiscrimination as required by this subsection must:**

**(A) Be continuously available on the district website, accessible either by a direct link on the front page of the website or by a direct link on the footer of every page of the website.**

**(B) Be posted in multiple locations, including but not limited to staff and student handbooks, annual publications, school board documents, bulletins, graduation announcements, catalogs, e-mail listservs, recruitment materials, and school related applications.**

**(C) Be made available in the languages of the communities served by the district.**

**(D) Be disseminated annually to staff, students, and families of students as an individual notice that is written in plain language.**

**(E) Contain:**

**(i) A statement of non-discrimination that specifies the basis for non-discrimination being age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, and gender identity;**

**(ii) The contact information of staff designated to respond to questions of discrimination, including their name or title, address, email address, and telephone number; and**

**(iii) A link to or the web address for the district's discrimination complaint process and procedures.**

# 581-021-0046: Program Compliance Standards

~~(10) Dress Codes. Districts may enforce an otherwise valid dress code or policy, as long the code or policy.~~

## **(11) Dress Code. If a districts that has a formal or informal dress code policy, the policy must:**

~~(a) Provides, on a case by case basis, for reasonable accommodation of an individual based on the health and safety needs of the individual; and~~

~~(b)(A) Does not have a disproportionate adverse impact on members of a protected class, including age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, or gender identity, to a greater extent than the policy impacts persons generally.~~

~~(B) For purposes of this paragraph, “disproportionate adverse impact” means an impact that is not appropriate or fair in consideration of the individual’s protected class status.~~

**(a) Not discriminate against members of a protected class, including age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, and gender identity;**

**(b) Be gender-affirming, racially affirming, and culturally affirming;**

**(c) Provide, on a case-by-case basis, for reasonable accommodation of an individual based on the health and safety needs of the individual; and**

**(d) When revised, be revised with input from members of protected classes, including age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, and gender identity.**

# 581-022-2370, 581-002-0001, 581-002-0003

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- Clarify in 581-022-2370 that anyone who experiences discrimination can submit a complaint:
  - (1) Each school district must establish a process for the prompt resolution of a complaint by a person who resides in the district or, by any parent or guardian of a student who attends school in the district, **by any person who alleges that they have been subjected to discrimination, or by a third party representing such persons.**
- Clarify that sexual harassment under OAR 581-012-0038 (Sexual Harassment Policies) is a form of discrimination and that OAR 581-012-0038 is covered by ODE's discrimination appeals procedures.

**Space for additional feedback**

# Next Steps

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1. Continue to collect feedback through additional community engagement
2. Present these proposals to the [ODE Rules Advisory Committee](#) in January
3. Make any necessary changes in response to community feedback
4. Present proposals to the [State Board of Education](#) for a first reading in January
5. Seek additional community engagement and revise as needed
6. Present to the State Board for a final reading

# Additional Ways to Submit Feedback

1

Via email. You can email any feedback and suggestions to Kate Hildebrandt at [katherine.hildebrandt@ode.oregon.gov](mailto:katherine.hildebrandt@ode.oregon.gov). We can accept feedback throughout January, but the earlier the better!

2

Submit comment to the State Board. Email [StateBoard.PublicEmail@ode.oregon.gov](mailto:StateBoard.PublicEmail@ode.oregon.gov) or monitor the [State Board website](#) for specific information about the January 19th meeting.



# Grantee Presentation

Adelante Mujeres



Adjourn!

Next meeting February 21, 2023!