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Tina Kotek, Governor



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Dr. Charlene Williams
Director of the Department of Education

April 3, 2025

BY EMAIL

REDACTED
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Todd Hamilton
Superintendent
Springfield School District
640 A St.
Springfield, OR 97477
todd.hamilton@springfield.k12.or.us

Case No. 2023-MM-10

Dear REDACTED, REDACTED, and Superintendent Hamilton:

This letter constitutes the final order for the following matter: The appeal of a complaint filed by REDACTED (Parent A) & REDACTED (Parent B) with the Springfield School District (District) alleging violation of ORS 659.850 (prohibiting discrimination in an education program, service, school, or activity financed in whole or in part by monies appropriated by the Legislative Assembly) and Oregon Administrative Rule (OAR) 582-021-0045 (prohibiting discrimination in any public elementary or secondary school, educational program or service, or interschool activity that is financed in whole or in part by monies appropriated by the Legislative Assembly).

I. Appellate Procedures for Complaints Alleging Discrimination and Retaliation

Parent A and Parent B allege that District discriminated against their child (Student), based on race/national origin, by failing to mitigate peer-to-peer harassment. Parent A and Parent B allege that District discriminated against Student, based on sex, by failing to mitigate sexual harassment due to the lack of a proper Title IX investigation following reports of sexual harassment. Parent A and Parent B allege that District retaliated against Student for filing complaints. In addition, Parent A and Parent B allege that District discriminated against them,

based on race/national origin, by failing to provide appropriate language translation and interpretation.

The Oregon Department of Education (Department) has jurisdiction to resolve this appeal and the rules governing the Department's appeal process are found in OAR 581-002-0001 through OAR 581-002-0023.

When a person files an appeal alleging discrimination and retaliation with the Department, the Department investigates to determine whether discrimination and/or retaliation occurred.¹ If the Department determines that discrimination and/or retaliation occurred, the Department will issue a preliminary order to the complainant and the district.² The preliminary order will include the Department's findings of fact and conclusions.³ After the Department issues a preliminary order, the parties will attempt to reach an agreement through conciliation.^{4 5} The conciliation period may not be longer than thirty (30) days unless the parties agree in writing to a longer period.⁶ If the parties do not reach agreement through conciliation, the Department will issue a final order.⁷ The Department's final order includes: (1) The Department's findings of fact; (2) The Department's analysis and conclusions; and, (3) If a violation was found, a short explanation of any corrective action required by the District and notice that the District may work with the Department in devising and implementing a corrective action plan.⁸ If the District does not comply with the final order or implement corrective action in accordance with the terms of the final order, the Department will order appropriate remedies, which may include withholding any distribution authorized under the laws of Oregon from the State School Fund, and any other appropriate remedy.⁹

The Department completed its investigation of Case No. 2023-MM-10 and issued, on January 27, 2025, a preliminary order finding that District did discriminate against Student based on sex, in violation of ORS 659.850 and OAR 581-021-0045(3)(c), by failing to adhere to the grievance and investigation processes required by Title IX and ORS Chapter 342 following Student's three (3) reports of sexual harassment. In addition, the Department found that District did discriminate against Parent A and Parent B based on national origin, in violation of ORS 659.850, OAR 581-021-0045(3)(c), and OAR 581-021-0045(3)(f), by failing to provide appropriate language interpretation services, as required by Title VI of the Civil Rights Act, ORS 659.850, and OAR 581-021-0045, to Parent A and Parent B in consideration of Parent A and Parent B's limited English proficiency status.

¹ OAR 581-002-0009(2).

² OAR 581-002-0009(3)(a)(A).

³ OAR 581-002-0009(3)(a)(A)(iii); OAR 581-002-0009(3)(a)(A)(iv).

⁴ OAR 581-002-0011(1).

⁵ Conciliation is an alternative dispute resolution process. Conciliation is a voluntary, flexible, confidential, and interest-based process. The parties may choose to engage a conciliator to facilitate the conciliation process.

⁶ OAR 581-002-0011(2).

⁷ OAR 581-002-0011(8).

⁸ OAR 581-002-0017(2).

⁹ OAR 581-002-0019(2).

II. Procedural Background

From November 19, 2021, through October 14, 2022, Parent A and Parent B filed a minimum of fourteen (14) complaints with District regarding incidents of bullying, physical assault, and harassment of their child, Student, by other students. These complaints included the reporting of three (3) incidents of sexual harassment of Student by other students.

During a meeting at Student's school on April 4, 2022, Parent B complained to the vice principal (Vice Principal) that the family was beginning to believe they were being discriminated against, based on being Hispanic persons, because the school administrators were not taking effective steps to end the peer-to-peer bullying, physical assaults, and harassment of Student.

On March 8, 2023, Parent A and Parent B filed an appeal with the Department. In the appeal, Parent A and Parent B allege that Student has been discriminated against based on sex/gender identity and that they and Student have been discriminated against based on their race/national origin.

On April 6, 2023, the Department accepted Parent A and Parent B's appeal on the basis that District failed to resolve the complaint(s) within 90 days of Parent A and Parent B's initial filing of the discrimination complaints.¹⁰ The Department provided notice to Parent A, Parent B, and District that the appeal had been accepted.¹¹

Department concluded its investigation of this matter on December 13, 2023. The Department investigated the following:

- 1) Whether District, through actions of teachers, staff members, or administrators, discriminated against Student, based on race/national origin, by failing to mitigate peer-to-peer harassment.
- 2) Whether District discriminated against Student, based on sex, by failing to mitigate peer-to-peer sexual harassment due to the lack of a proper Title IX investigation following reports of sexual harassment.
- 3) Whether District provided appropriate interpretation and translation services to Parent A and Parent B in consideration of Parent A and Parent B's limited English proficiency status as required by Title VI of the Civil Rights Act, ORS 659.850, and OAR 581-021-0045.
- 4) Whether District, through actions of teachers, staff members, or administrators, retaliated against Student for filing complaints.¹²

¹⁰ OAR 581-002-0005(1)(a)(C).

¹¹ OAR 581-002-0007(2).

¹² OAR 581-002-0005(1)(b).

On January 27, 2025, the Department issued a preliminary final order in which the Department found that District discriminated on the basis of sex and national origin. The Department directed the parties to attempt to reach an agreement through conciliation.

Because the parties did not reach an agreement through conciliation by February 27, 2025, and did not agree, in writing, to a longer conciliation period, the Department is issuing this final order on the matter.

III. Findings of Fact

For purposes of making its determinations in this case, the Department adopts the findings of fact set forth in the preliminary order issued for this case on January 27, 2025.

IV. Analysis

For purposes of making its determinations in this case, the Department adopts the analysis set forth in the preliminary order issued for this case on January 27, 2025.

V. Conclusions

The Department concludes that the evidence substantiates that District discriminated against Student, based on sex, in violation of ORS 659.850 and OAR 581-021-0045, by failing to adhere to the grievance and investigation processes required by Title IX and ORS Chapter 342 following Student's three (3) reports of sexual harassment.

The Department concludes that the evidence substantiates that District discriminated against Parent A and Parent B, based on national origin, in violation of ORS 659.850 and OAR 581-021-0045, by failing to provide appropriate language interpretation services, as required by Title VI of the Civil Rights Act, ORS 659.850, and OAR 581-021-0045, to Parent A and Parent B in consideration of Parent A and Parent B's limited English proficiency status.

Accordingly, the Department orders the Springfield School District to complete the following corrective actions:

A. Corrective Actions - Discrimination based on Sex (Sexual Harassment)

- 1. Administrator Training:** District will, no later than September 30, 2025, ensure that all District administrators responsible for responding to and investigating reports of sexual harassment receive training on identifying and responding to sexual harassment. Training participants must include, at minimum, the District Title IX Coordinator(s) and at least one administrator from each school building.
 - a.** Administrator Training may be conducted in-person or virtually.
 - b.** Administrator Training must include provision of the following:
 - i.** The definitions of sexual harassment under Title IX (34 CFR Part 106) and Oregon law (ORS 342.700 to ORS 342.708; OAR 581-021-0038)

- ii. Examples of conduct constituting sexual harassment under Title IX and Oregon law
 - iii. Information regarding what is required of school staff, under Title IX and Oregon law, upon notification of possible sexual harassment
 - iv. A review of District's policies and procedures for responding to notice of possible of sexual harassment
 - c. At least fourteen (14) days prior to the Administrator Training, District must submit information about the training for review and approval by Department's civil rights specialist for sex-based discrimination.¹³ The information submitted will include:
 - i. The name of the training provider(s) and their qualification(s)
 - ii. The contents of the training through an outline or through slides
 - iii. The anticipated date, time, and length of the training
 - d. District will, within fourteen (14) days of completing the approved Administrator Training, submit to the Department, as attachments to a report provided as a PDF document or as information within a report provided as a PDF document, the following¹⁴:
 - i. A copy of the training materials used to provide the training, such as slides or handouts
 - ii. A list of District employees who attended the training and their roles
- 2. Staff Training:** District will, no later than December 31, 2025, ensure that all District staff receive training on sexual harassment.
- a. Staff Training may be conducted in-person or virtually.
 - b. Staff Training must include provision of the following:
 - i. The definitions of sexual harassment under Title IX (34 CFR Part 106) and Oregon law (ORS 342.700 to ORS 342.708; OAR 581-021-0038)
 - ii. Examples of conduct constituting sexual harassment under Title IX and Oregon law
 - iii. Information regarding what is required of school employees, under Title IX and Oregon law, when they observe sexual harassment or when a student reports sexual harassment
 - iv. A review of District's policies and procedures for responding to reports of possible sexual harassment
 - v. Information about where District employees can find District's policies, procedures, and complaint forms regarding sexual harassment
 - vi. Contact information for District's Title IX Coordinator(s)
 - c. District will, within fourteen (14) days of completing the Staff Training, submit to the Department, as attachments to a report provided as a PDF

¹³ Department's civil rights specialist for sex-based discrimination is Kate Hildebrandt. Kate may be reached by email at Kate.hildebrandt@ode.oregon.gov or by telephone at (503) 551-5713.

¹⁴ District should submit the required documentation via email to: ODE.Appeals@ode.oregon.gov

document or as information within a report provided as a PDF document, the following¹⁵:

- i. A copy of the training materials used to provide the training, such as slides or handouts
- ii. A list of District employees who attended the training and their roles

3. Written Notice of Student Rights: District will develop a written notice document as required by ORS 342.704(6) and post it on their website in compliance with ORS 342.704(6)(b).

- a. District will, no later than the first day of the 2025-26 school year, submit a draft of District's *Written Notice of Student Rights* for review and approval by the Department's civil rights specialist for sex-based discrimination.¹⁶
- b. District will, no later than September 30, 2025, have the approved *Written Notice of Student Rights* posted on their website and have it available to students, students' parents, staff members, and members of the public at each school office and at the district office as required by ORS 342.704(6)(b).

4. Climate Survey: District will, no later than June 30, 2026, administer a climate survey to all middle school and high school students. District will include questions on the climate survey related to sexual harassment and other forms of discrimination.

- a. After administering the climate survey, District will convene a committee to analyze the survey results and provide written recommendations to District Superintendent regarding what, if any, actions are needed to address the survey findings.
- b. District will, no later than September 30, 2026, submit to the Department, as attachments to a report provided as a PDF document or as information within a report provided as a PDF document, the following¹⁷:
 - i. A summary of the climate survey results and the climate survey committee's recommendations to District Superintendent

B. Corrective Actions – Discrimination based on National Origin

- 1. District will create and use a form that is part of all students' registration packets to identify parents or caregivers with Limited English Proficiency (LEP). This form will ask whether students' parents or caregivers require oral and/or written communication in a language other than English, and if they do, which language.
 - a. District will, no later than the first day of the 2025-26 school year, submit to the Department a draft of the form to identify parents or caregivers with LEP that is to be part of all students' registration packets. District will

¹⁵ District should submit the required documentation via email to: ODE.Appeals@ode.oregon.gov

¹⁶ Department's civil rights specialist for sex-based discrimination is Kate Hildebrandt. Kate may be reached by email at Kate.hildebrandt@ode.oregon.gov or by telephone at (503) 551-5713.

¹⁷ District should submit the required documentation via email to: ODE.Appeals@ode.oregon.gov

b. District will, no later than October 15, 2025, include the approved form in students' hard copy and on-line registration packets.

- ²¹ Department's civil rights specialist for national origin discrimination is Taylor Lewis. Taylor may be reached by email at Taylor.lewis@ode.oregon.gov or by telephone at (503) 400-5653.

District must be, not just bilingual, but competent to interpret in and out of English (consecutive or simultaneous interpreting) and to accurately translate documents. Qualified interpreters and translators for District will have knowledge in both languages of any specialized terms or concepts to be used in the communication at issue. In addition, qualified interpreters and translators for District must be trained on the role of an interpreter or translator, the ethics of interpreting and translating, and the need to maintain confidentiality. District will not rely on students, friends, or untrained school staff to interpret or translate for parents or caregivers, but will, instead, provide free qualified language assistance services to parents and caregivers with LEP. District will submit, no later than the first day of the 2025-26 school year, the list of qualified interpreters and translators for review and approval by the Department's civil rights specialist for national origin discrimination.²² The list will include:

- a. The interpreter or translator's first and last name
 - b. The language(s) the translator can translate
 - c. The language(s) the interpreter can interpret
 - d. The interpreter or translator's qualifications to translate and/or interpret
5. District will, no later than September 30, 2025, ensure that all District staff and administrators receive training about how to provide free, timely language assistance to parents or caregivers with LEP by qualified interpreters and translators. Training will include District-specific processes for how to request and access interpretation and translation services.
 - a. Training may be conducted in-person or virtually.
 - b. At least fourteen (14) days prior to the training, District must submit information about the training for review and approval by Department's civil rights specialist for national origin discrimination.²³ The information for the training review should include:
 - i. The name of the training provider(s) and their qualification(s)
 - ii. The contents of the training, such as through an outline or slides
 - iii. The anticipated date, time, and length of the training
 - c. District will, within fourteen (14) days of completing the approved training, submit to the Department, as attachments to a report provided as a PDF document or as information within a report provided as a PDF document, the following²⁴:
 - i. A copy of the training materials used to provide the training, such as slides or handouts
 - ii. A list of district employees who attended the training and their roles

²² Department's civil rights specialist for national origin discrimination is Taylar Lewis. Taylar may be reached by email at Taylar.lewis@ode.oregon.gov or by telephone at (503) 400-5653.

²³ Department's civil rights specialist for national origin discrimination is Taylar Lewis. Taylar may be reached by email at Taylar.lewis@ode.oregon.gov or by telephone at (503) 400-5653.

²⁴ District should submit the required documentation via email to: ODE.Appeals@ode.oregon.gov

If after evaluating the submitted proof that the corrective actions have been completed, the Department determines that District did not comply with this final order, the Department may require District to provide additional training or complete additional corrective actions in a time and manner ordered by the Department.

If District wishes to use Department's civil rights specialists as a resource in fulfilling its requirements under this order, District may reach out for technical assistance.²⁵

Do not hesitate to contact me if you have any questions about the content of this order.

Sincerely,

A handwritten signature in cursive script that reads "Patricia D. Stoneroad".

Patricia D. Stoneroad, J.D.

Complaint and Appeal Specialist

Office of the Director

patricia.stoneroad@ode.oregon.gov

(971) 388-3959

²⁵ Department's civil rights specialist for sex-based discrimination is Kate Hildebrandt. Kate may be reached by email at Kate.hildebrandt@ode.oregon.gov or by telephone at (503) 551-5713.

Department's civil rights specialist for national origin discrimination is Taylar Lewis. Taylar may be reached by email at Taylar.lewis@ode.oregon.gov or by telephone at (503) 400-5653.