

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

Title/OAR # : 7.h—First Reading: Displaying Sovereign Tribal Government’s Flags in Public Schools/ OAR 581-021-0043

Date: October 22, 2015

Staff/Office:

New Rule **Amend Existing Rule** **Repeal Rule**

Hearing Date: _____ **Hearings Officer Report Attached**

Prompted by: **State law changes** **Federal law changes** **Other**

Action Requested:

First Reading/Second Reading Agenda **Adoption** **Adoption/Consent**

PROPOSED/AMENDED RULE SUMMARY: Adds language about displaying sovereign tribal government’s flags in public schools.

BACKGROUND: Last school year, an Oregon Tribal Government contacted a local school district to request their Tribal flag be displayed somewhere in the building. The Tribal Government noted the district had over 30% of the student population affiliated with their Tribal Government. The district contacted Oregon Department of Education for guidance and to assist in developing a policy which would allow the district to display the flag. The proposed rule offers guidance to all public schools should a sovereign tribal government wish to display it’s flag in a school.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

CHANGED SINCE LAST BOARD MEETING? (so members can focus on what’s different)

N/A; first read—hasn’t been before board

No; same as last month

Yes – As follows:

FISCAL IMPACT: None

EFFECT OF YES VOTE: Will provide guidance to public schools in the displaying of a sovereign tribal government flag.

EFFECT OF NO VOTE: Individual schools will determine if they will display a tribal government flag and how that flag is displayed.

STAFF RECOMMENDATION:

Adopt administrative rule as prepared this month

Adopt administrative rule next month

No recommendation at this time (rarely used)

Created by CH on 9/18/15

581-021-0043 Displaying Sovereign Tribal Government's Flags in Public Schools

- (1) As used in this section, "Sovereign tribal governments" means a federally recognized Indian tribe, band, nation, pueblo, Rancheria, community, or Native village in the United States.
- (2) Upon request from a sovereign tribal government, a flag representing the sovereign tribal government must be displayed on, near, or within a school building, under the control of the school district board during school hours except in unsuitable weather.
- (3) The school district may determine the location of the flag.
- (4) A school district may not charge for displaying the flag if the sovereign tribal government provides a flag to the district.

Stat. Auth.: ORS 326.051

Stat. Implemented: ORS 326.051