

What is Discrimination?

A resource for Oregon K-12 students, families, and communities.

Oregon law protects you from being discriminated against in Oregon K-12 public schools and public charter schools; including educational programs, services and school activities. This means **you cannot be treated differently because of who you are** in these places. This includes:

ORS 659.850



in the classroom



in athletics



in school clubs



on school trips



on the bus

Discrimination is “any act that **unreasonably differentiates treatment**, **intended or unintended**, or any act that is **fair in form but discriminatory in operation**, either of which is based on **age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, or gender identity.**”

ORS 659.850; OAR 581-021-0045

An act **unreasonably differentiates treatment** when it treats a person or group of people differently or negatively because of their protected class identity.

Intended or unintended means that the intent of the person, school, or policy does not matter; if it results in different treatment based on protected class, it is discriminatory.

Fair in form but discriminatory in operation is when a policy, procedure, or practice applies to everyone fairly, but results in unfair treatment of a protected class group. Ex: A dress code that prohibits head coverings for all students still discriminates against students who use religious head coverings.

Protected classes are groups of people with legal protection against discrimination. **Oregon has ten protected classes:** age, color, disability, gender identity, marital status, national origin, race, religion, sex, and sexual orientation.

Discrimination includes:



school policies, procedures, or practices that explicitly treat people differently on the basis of protected class, or that are “fair in form” but result in discrimination;



when any employee of the district takes discriminatory action while conducting their job;
OR



acts of harassment, bullying or bias, including student-on-student, if the act is based on a protected class.

Examples of Discrimination

A teacher touches a Black student's hair repeatedly in front of other students and makes comments about the student's hair. The student expresses concern to an administrator, who tells her it's happening because Black students' hair is unique and interesting. Even after the student reports feeling uncomfortable and finding it difficult to focus in class with the teacher, the school does not take steps to stop it from happening.

This is likely discrimination because the teacher is commenting on and touching the student's hair based on her **race** and the student can no longer focus or feel comfortable attending class. The student is experiencing racial harassment and the school's failure to see it and respond with support is discrimination.

Allie is a middle-class student of Jewish ancestry; she celebrates important Jewish holidays and attends synagogue regularly. At school, a group of students tell her she has a 'big nose' and tease her about being 'rich.' When Allie reports the harassment to a teacher, the teacher tells her the only option is for her to move to a different class.

This is likely discrimination because Allie is being harassed and bullied about her Jewish identity, which is a form of **national origin** discrimination based on shared ancestry. The school is furthering the discrimination by not recognizing it, and by not acting to stop the harassment or provide support to Allie.

A middle school has a policy of requiring parental permission slips for students to participate in clubs. In most clubs, advisors collect the permission slips and file them away, but the Vice Principal requests that the Gender and Sexuality Alliance (GSA) club advisor turn the permission slips in so he can check and approve them.

This is likely discrimination because even though all clubs have to get permission slips, the GSA is being singled-out for a higher level of approval. This is different treatment based on **sexual orientation** and **gender identity**.

Antonio is a third grade student with ADHD who struggles with focusing and completing tasks. Every Friday Antonio's teacher has "Fun Friday" for students who completed their work that week; Antonio is almost always excluded and must work at his desk while other students eat treats and play games.

This is likely discrimination because the teacher's "Fun Friday" reward system is unintentionally limiting Antonio's access to an educational benefit, due to the fact that he struggles to complete tasks because of his **disability**.



Do you have questions about discrimination?

Contact your school/district Civil Rights Coordinator, or contact the Oregon Department of Education's Civil Rights Support Specialists at ODE.CivilRightsSupport@ode.oregon.gov or 971-673-2777



OREGON
DEPARTMENT OF
EDUCATION

Oregon achieves... together!