

Coburg Community Charter School Policy

Code: AC
Adopted: 10/10/16
Revised: 12/10/18, 2/10/20, 10/25/21,
06/03/24, 12/16/24

Nondiscrimination and Civil Rights

The public charter school does not discriminate on any basis listed below and prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race[1], color, religion, sex[2], sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status of any other persons with whom the individual associates.

The public charter school may not limit student enrollment based on ethnicity, national origin, race, religion, disability, sex, sexual orientation, gender identity, income level, proficiency in English language, the terms of an individualized education program (IEP), or athletic ability, except as authorized under Oregon law. The school may limit admission to students within a given grade level. The school must select students through an equitable lottery selection process if the number of student applicants exceeds the capacity of a program, class, grade level or building. The school may implement a weighted lottery that favors historically underserved students in accordance with ORS 338.125. The school may give priority for admission to students in accordance with ORS 338.125.

The public charter school prohibits discrimination and harassment in, but not limited to: employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to the school and classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings.

The public charter school prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice or because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing, and further prohibits anyone from coercing,

intimidating, threatening or interfering with an individual for exercising the rights guaranteed under state and federal law.

The Board encourages staff to improve human relations within the school, to respect all individuals, and to establish channels through which the school community can communicate their concerns to school administration and the Board.

The Board designates the Executive Director as the public charter school's civil rights coordinator.

The administrator shall appoint individuals at the public charter school to contact on issues concerning the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments Act, and other civil rights or discrimination issues, and notify students, parents, and employees with their names, office addresses, and phone numbers.

The Board will adopt and the public charter school will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees, and the public, and such procedures will be available at the school's administrative office [during business hours] and published on the home page of the school's website.

Any complaint alleging discrimination may be made to any civil rights coordinator and will be processed in accordance with administrative regulation AC-AR(1) - Discrimination or Civil Rights Complaint Procedure. Depending on the nature of the complaint, additional requirements may apply.

The public charter school will document and track:

1. All reports of discrimination received by the public charter school and all responses to those reports issued by the school, including any investigations completed and remedies provided; and
2. The training completed by each civil rights coordinator.

Civil Rights Coordinator

[The [insert position title(s)] is the public charter school's civil rights coordinator.]

The civil rights coordinator(s) will:

1. Be knowledgeable of the requirements in OARs 581-021-0038, 581-021-0045, 581-021-0046, and 581-021-0660;
2. Have the independence and authority necessary to carry out the provisions of OAR 581-021-0660;
3. Monitor, coordinate, and oversee public charter school compliance with state and federal laws prohibiting discrimination in education, including ensuring the availability of, and providing to students and staff:

- a. The notice of nondiscrimination[4] required by OAR 581-021-0045; and
 - b. The public charter school written complaint process for making reports of discrimination.
4. Oversee and ensure the resolution of public charter school investigations of complaints alleging and substantiating discrimination, including the provision of remedies designed to restore or preserve equal access to an education program or activity;
 5. Provide guidance to school staff on civil rights issues in the public charter school;
 6. Respond to questions and concerns about civil rights in the public charter school;
 7. Coordinate efforts to prevent civil rights violations from occurring in the public charter school; and
 8. {[5]}[Satisfy the training requirements in OAR 581-021-0660 (2)-(3)] [Satisfy the following training requirements:
 - a. Upon initial designation, a civil rights coordinator must receive the following training in accordance with a schedule established by the Oregon Department of Education (ODE):
 - (1) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;
 - (2) The duties of public charter schools under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American’s with Disabilities Act of 1990, those statutes’ implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education’s Office for Civil Rights;
 - (3) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators’ duties;
 - (4) Identifying discrimination and reports of discrimination;
 - (5) Responding to reports of discrimination;
 - (6) Conducting civil rights investigations, including identifying conflicts of interest, and using strategies to mitigate conflicts of interest;
 - (7) Preventing discrimination in public school programs and activities;
 - (8) Identifying retaliation taken in response to reports of discrimination, responding to reports of such retaliation, and preventing such retaliation in public school programs and activities;

(9) Tracking and documenting reports of discrimination.

b. In years subsequent to being designated a civil rights coordinator, a civil rights coordinator must annually receive the following training in accordance with a schedule established by ODE:

(1) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;

(2) The duties of public charter schools under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American’s with Disabilities Act of 1990, those statutes’ implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education’s Office for Civil Rights;

(3) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators’ duties;

(4) Reporting discrimination, and responding to reports of discrimination, including through complaint processes and investigations.[6]

END OF POLICY

[1] Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001.

[2] 34 CFR § 106.10 provides “discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.”

[3] {For additional information regarding civil rights coordinators and their responsibilities, see ORS 332.505(2).}

[4] The notice of nondiscrimination will include the name or title, work address, email address, and phone number of each civil rights coordinator.

[5] {OAR 581-021-0655(3)(a) requires the public charter school adopt a policy including the requirements in OAR 581-021-0660, including the training requirements referenced and listed here. The school can meet this requirement by choosing either of the two bracketed options.}

[6] Training must first be completed by June 30, 2025.

END OF POLICY

Legal Reference(s):

<u>ORS 174.100</u>	<u>ORS 659A.040</u>
<u>ORS 192.630</u>	<u>ORS 659A.103 - 659A.145</u>
<u>ORS 326.051(1)(e)</u>	<u>ORS 659A.230 - 659A.233</u>
<u>ORS 338.115</u>	<u>ORS 659A.236</u>
<u>ORS 338.125</u>	<u>ORS 659A.309</u>
<u>ORS 408.230</u>	<u>ORS 659A.321</u>
<u>ORS 659.805</u>	<u>ORS 659A.409</u>
<u>ORS 659.815</u>	
<u>ORS 659.850 - 659.860</u>	<u>OAR 581-021-0045</u>
<u>ORS 659.865</u>	<u>OAR 581-021-0046</u>
<u>ORS 659A.001</u>	<u>OAR 581-021-0047</u>
<u>ORS 659A.003</u>	<u>OAR 581-021-0650 - 0665</u>
<u>ORS 659A.006</u>	<u>OAR 581-075-0001 - 075-0005</u>
<u>ORS 659A.009</u>	<u>OAR 581-075-0901</u>
<u>ORS 659A.029</u>	<u>OAR 839-003</u>
<u>ORS 659A.030</u>	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).

Americans with Disabilities Act of 1990/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020~~2024~~).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).