

Molalla River Academy

Code: AC
Adopted: 1/25/22

Nondiscrimination

The public charter school prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race¹, 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, 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. A public charter school may limit admission to students within a given grade level. The public charter 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 public charter school may implement a weighted lottery that favors historically underserved students in accordance with ORS 338.125². The public charter 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 executive director 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.

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 (as amended by House Bill 2935 (2021)).

² As amended by House Bill 2954 (2021).

END OF POLICY

Legal Reference(s):

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

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, 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).

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).

House Bill 2935 (2021).

House Bill 2954 (2021).

House Bill 3041 (2021).

Cross Reference(s):

ACA - Americans with Disabilities Act

ACB - Every Student Belongs

JBB - Educational Equity

GBA - Equal Employment Opportunity

GBEA - Workplace Harassment

JB - Equal Educational Opportunity

KL - Public Complaints

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Discrimination Complaint Procedure

Complaints regarding discrimination or harassment, on any basis protected by law, shall be processed in accordance with the following procedures:

Step 1 Complaints may be oral or in writing and should be filed with the executive director. Any staff member that receives a written or oral complaint shall report the complaint to the executive director.

The executive director shall investigate and determine the action to be taken, if any, and reply in writing to the complainant within 10 school days of receipt of the complaint.

Step 2 If the complainant is not satisfied with the decision of the executive director, a written appeal may be filed with the Board within 10 school days of receipt of the executive director's response in Step 1. The Board may decide to hear or deny the request for appeal at a Board meeting. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative at the next regular or special Board meeting. The Board's decision will address each allegation in the complaint and contain the reasons for the Board's decision. A copy of the Board's decision shall be sent to the complainant in writing within 10 days of this meeting.

If the Board decides not to hear the appeal the executive director's decision is final.

If the executive director is the subject of the complaint the individual may start at Step 2 and file a complaint with the Board chair.

Complaints against the Board as a whole or against an individual Board member may start at Step 2, should be submitted to the Board chair, and may be referred to counsel. Complaints against the Board chair may start at Step 2 and should be referred directly to the Board vice chair.

Timelines may be extended based upon mutual consent of the public charter school and the complainant in writing.

Appeal Process

A decision reached by this Board for a complaint that alleges a violation of OAR 581-021-0047 (Prohibition against using Native American mascots) may be appealed to Oregon Department of Education (ODE) under OAR 581-002-0001 - 581-002-0023.

A final decision reached by the Board for a complaint that alleges a violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or OAR 581-021-0046 (Discrimination), is recognized as the final decision regarding this complaint³ by the Board of Molalla River School District. A final decision may be appealed to ODE under OAR 581-002-0001 - 581-002-0023

³ The public charter school board is given this authority by the school's sponsor, Molalla River School District, as established by Board policy.

Charter School

DISCRIMINATION COMPLAINT FORM

Name of Person Filing Complaint

Date

School or Activity

Student/Parent Employee Job applicant Other _____

- Race
- Color
- Religion
- Sex
- National or ethnic origin
 - Mental or physical disability

- Marital status
- Familial status
- Economic status
- Veterans' status
- Age
- Sexual orientation
- Gender identity

- Subject of complaint:
- Pregnancy
 - Income level
 - Athletic ability
 - Proficiency in English language
 - Discriminatory use of a Native American mascot
 - Other _____

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of discussion.)

Who should we talk to and what evidence should we consider?

Suggested solution/resolution/outcome:

This complaint form should be mailed or submitted to the executive director.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division or the U.S. Department of Labor, Equal Employment Opportunities Commission.