



OAR 581-021-0045

Or. Admin. r. 581-021-0045

OREGON ADMINISTRATIVE RULES COMPILATION
CHAPTER 581. OREGON DEPARTMENT OF EDUCATION
DIVISION 21. SCHOOL GOVERNANCE AND STUDENT CONDUCT
EQUAL EMPLOYMENT AND EDUCATIONAL OPPORTUNITY

Current through November 13, 2009

581-021-0045 Discrimination Prohibited

(1) Discrimination Defined:

(a) “Discrimination” means 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 or sexual orientation;

(b) The words “District, **School District**” include all common and union high **school** districts and education service districts and all educational agencies, programs, and services under the jurisdiction of the State Board of Education, except community college districts.

(c) “Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or **gender identity**, regardless of whether the individual’s **gender identity**, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.

(2) “General Prohibition of Discrimination”: No person in Oregon shall be subjected to discrimination in any public elementary or secondary **school**, educational program or service, or interschool activity where the program, service, **school**, or activity is financed in whole or part by monies appropriated by the Legislative Assembly.

(3) “Specific Prohibitions”: In providing programs or services to students, a **school** district shall not, on a discriminatory basis as defined in subsection (1)(a) of this rule:

(a) Treat one person differently from another in determining whether such person satisfies any requirement of condition for the provision of such aid, benefit, or service;

(b) Provide different aid, benefits, or services; or provide aids, benefits, or services in a different manner;

(c) Deny any person such aid, benefit, or service;

(d) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

(e) Aid or perpetuate discrimination by joining or remaining a member of any agency or organization which

discriminates in providing any aid, benefit, or service to students or employees;

(f) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

(4) "Exceptions": These rules shall not affect attendance boundaries, limit placement of students in programs of desegregation, nor supersede any specific statutory requirement for any educational program.

Stat. Auth.: ORS 326 & 659

Stats. Implemented: [ORS 326.051](#) & [659.150](#)

Hist.: 1EB 252, f. & ef. 9-30-76; 1EB 11-1984, f. & ef. 4-17-84; ODE 13-2008, f. & cert. ef. 5-23-08

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