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October 7, 2020

*Updated to reflect language in permanent rule and rule's name change to 'Every Student Belongs' as of 3/5/2021*

# Every Student Belongs Bias Incident Response Guide

**Companion Guidance to  
*Every Student Belongs Initial Guidance***



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## Background and Purpose

This Bias Incident Response Guide is offered to support district administrators, principals, school climate/Positive Behavior Interventions and Supports (PBIS) team leaders, school safety and prevention specialists, teachers, school counselors, school psychologists, school social workers, and other school-based professionals in implementing the Every Student Belongs (ESB) rule. Procedures described in the guide include incident reporting, information gathering, administrative action, and safety/support planning. The process is intended to foster culturally responsive community engagement and communication within a multidisciplinary team approach.

# Respond to Bias Incidents

## Immediate Response

- Assess the physical and emotional safety of those involved.
- Determine what type of response aligns best with district policy and maintains your safety and the well-being of others involved.
- Identify and prioritize healing-centered, trauma-informed, strengths-based, racial equity/anti-racism approaches for information gathering and problem solving.



## Every Student Belongs Rule

The Every Student Belongs rule, OAR 581-022-2312, prohibits the use or display of any noose, swastika, or confederate flag on school grounds or in any program, service, school, or activity where the program, service, school, or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly except where used in teaching curriculum that is aligned with the Oregon State Standards. This applies to both in-person, hybrid, and distance learning environments.

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The rule also requires districts to adopt policies and procedures for responding to bias incidents. Consistent implementation of these policies is essential to ensure that all students are treated equitably. School districts are encouraged to use their existing antidiscrimination and safety policies as a starting point for implementation. Districts may also choose to engage their regional Education Service District (ESD) School Safety and Prevention teams (formerly known as threat assessment teams) to assist with providing support for safety planning and policy implementation.

### Requirements

Responses to incidents must incorporate healing-centered/trauma-informed, racial equity-centered, strengths-based, SEL-oriented practices.

## Immediate Incident Response

**In responding to any incident, refer to your district's policies and procedures developed in accordance with the Every Student Belongs rule. Prior to January 1, 2021, districts may still be developing these policies and procedures. Where this is the case, refer to the [Every Student Belongs Initial Guidance](#) along with this guide and any applicable district resources and policies.**

Immediate procedural considerations should include:

- Assessing the physical and emotional safety of those involved.
- Determining what type of response (in-person, by phone, or by email) aligns best with district policy and maintains your safety and the well-being of others involved.
- Identifying and prioritizing healing/centered, trauma-informed, strengths-based, racial equity/anti-racism approaches for information gathering and problem solving.

For resources and more information on the immediate response, please see [Appendix A](#).

## Incident Response Checklist

The following incident response checklist aligns to the requirements in **Every Student Belongs Initial Guidance** and provides additional detail to support incident reporting, information gathering, administrative action, and safety/support planning.

Action	Checklist
<b>Incident Reporting</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Record who reported the incident (e.g., Student; Staff; School Counselor; School Psychologist; School Social Worker; Other Mental Health Provider; School Administrator; Parent; School Community Member; SafeOregon Tip Line).</li> <li><input type="checkbox"/> Investigate the incident fully, ensuring that due process rights are upheld.</li> <li><input type="checkbox"/> Write a summary of the incident, including the location where it occurred. Note that the location may be remote or on-site.</li> <li><input type="checkbox"/> List names of person(s) impacted, including witnesses and other students in the broader community, and their role in the incident.</li> <li><input type="checkbox"/> List race(s)/culture(s), primary spoken language if other than English, disability status of persons involved. Explicitly note if one or more participants identifies as LGBTQ2SIA+. Consider <a href="#">intersectionality</a> in your approach and response.</li> </ul>
<b>Immediate Crisis Support</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure the safety and well-being of person(s) impacted.</li> <li><input type="checkbox"/> Plan for immediate crisis support for people involved in the incident if needed. This may include the person(s) impacted, staff, the person(s) who caused harm, witnesses to the event and/or members of the broader school community. Please refer to <b>crisis resources</b>, such as those listed on the <a href="#">mental health webpage</a>.</li> </ul>
<b>Short-term/ Immediate Administrative Action</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Provide verbal and written notice to all involved person(s), including parents consistent with district policy, that you are investigating the incident. Ensure that documents are translated for non-English speaking families.</li> <li><input type="checkbox"/> Complete a safety plan for all appropriate parties (<a href="#">Appendix B</a>).</li> <li><input type="checkbox"/> Consult your <a href="#">ESD Safety Assessment team</a>.</li> <li><input type="checkbox"/> Follow your district policy regarding any legal violations or required disciplinary actions based on the severity of the incident.</li> </ul>
<b>Student/Staff Engagement</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Convene a <a href="#">multidisciplinary team</a> to engage in information gathering or support planning.</li> <li><input type="checkbox"/> Consider race, culture, language, sex, gender identity, disability status and intersectionality to determine how the investigation is conducted.</li> <li><input type="checkbox"/> Identify the staff member who is closest to the person(s) impacted and engage their support in this process.</li> </ul>

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<b>Information Gathering</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Develop a comprehensive plan for a healing-centered, trauma-informed, strengths-based, racial-equity attuned <a href="#">information gathering</a> process.</li> </ul>
<b>Safety/Support Planning for the Person(s) Harmed</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Consult with individuals and families of students who have been harmed by incidents of bias on their own <a href="#">safety and support planning</a> to the extent desired.</li> </ul>
<b>Safety/Support Planning for the Person(s) Who Caused Harm</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Offer educational opportunities for safety and support planning that address the impact of the actions.</li> <li><input type="checkbox"/> Prioritize non-punitive remedial measures, unless there is a risk to health or safety and/or this is a repeated violation with intent to cause harm and previous educational opportunities and remedial measures have not been effective.</li> </ul>
<b>Determination &amp; Communication</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Determine if the claim is founded, unfounded, or if there is not enough evidence to make such a determination.</li> <li><input type="checkbox"/> Provide <a href="#">written communication of the outcome</a> to all parties in accordance with district policies and procedures.</li> </ul>
<b>Consequences for continued rule violation</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> If education has been offered and an individual continues to engage in bias incidents, those individuals should be subject to the appropriate administrative action or disciplinary consequence identified under school policy.</li> <li><input type="checkbox"/> When considering the appropriate response to repeated bias incidents, staff should prioritize the safety and healing of the person(s) impacted by the harm over the intent of the person(s) who caused harm.</li> </ul>
<b>Preventative Actions</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Determine the need for educational opportunities for students, staff and/or parents and community members to prevent this action from occurring in the future.</li> <li><input type="checkbox"/> Identify steps to remediate the hostile climate if it continues to exist.</li> <li><input type="checkbox"/> Recommend improvements or changes to district policies and procedures, if applicable.</li> </ul>

## Appendix A. Immediate Incident Response Resources

When an incident occurs, it is important for the district and/or school professionals to take immediate steps to secure the physical and emotional safety of those involved. Following are high level considerations and resources to support that process.

1. Assess the situation for the physical and emotional safety of:
  - a. the person(s) at whom the bias incident was directed
  - b. those who are responding to the incident
  - c. witnesses to the incident
  - d. the broader school community
2. Decide what type of response (in-person, by phone, or by email) aligns best with district policy and maintains your safety and the well-being of others involved.
  - a. Ensure your response acknowledges the [impact of bias](#) on the person(s) at whom the bias incident was directed. In many cases this will include [African American/Black people, people of color, members of Tribal communities, LGBTQI2SA+](#) people, the [Jewish community](#), and others from historically oppressed backgrounds.
  - b. Focus on incident [impact, not the intent](#) of the person(s) who caused harm.
  - c. Be [aware of the impact of unconscious bias](#) on decision making.
3. Select an immediate response that maintains your personal safety, aligns with district policy, reduces harm to those involved, and ensures a safe environment for all.
4. Review [Responding to Racial Injustice with a Trauma-Informed Approach](#). Always prioritize a healing/centered, trauma-informed, strengths-based, racial equity/anti-racism approach to information gathering and problem solving.

## Appendix B. Incident Response Checklist Resources

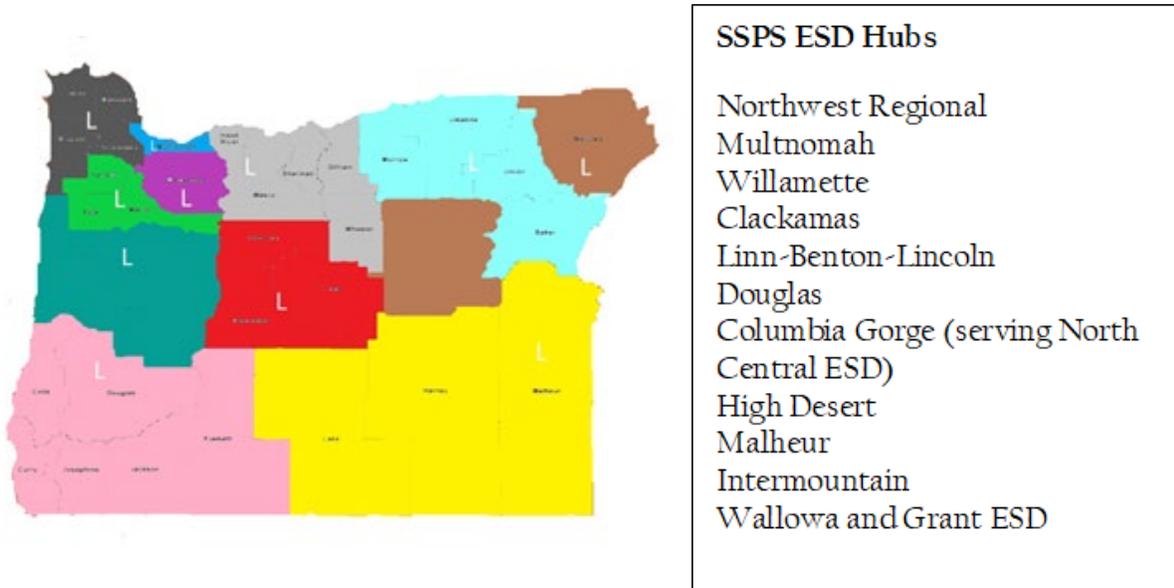
### ESD Safety Assessment Team

Two (2) ESD-based levels of safety planning and resource supports are available to school districts through School Safety and Prevention Teams.

The first level of support is available through School Safety and Prevention Specialists (Prevention Specialists) implementing the School Safety and Prevention System (SPSS) ([Section 36 of the Student Success Act](#) and [Senate Bill 52, Adi's Act](#)). Based in 11 ESDs statewide, Prevention Specialists are able to assist in training and providing equity and racial equity-centered technical assistance to school district administrators and behavioral safety assessment teams on safety concerns and threats made in response to implementation of the Every Student Belongs policy.

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The second level of support is available through Prevention Specialists and ESD-based School Safety and Prevention teams that can assist school districts and administrators in coordinating safety planning with public health, safety, and social service agencies as well as community-based resource providers. These teams are able to provide a network of support to students, staff, and school communities to assist in the implementation of the Every Student Belongs policy.



### Multidisciplinary Team

The following individuals and groups should be considered when developing a team to address a bias incident:

- School Administration
- District Administration
- School Counselor
- School Social Worker
- School Psychologist
- Social Service Agency(ies)
- Community-Based Organization Representative
- School Resource Officer

### Information Gathering

Interviews and other methods of information gathering may cause harm when not conducted in an appropriate manner. Before gathering any information:

- [Review \*Trauma-Informed Interviewing Techniques\*](#) to assist in developing your interview protocols.
- Review [Defining Restorative for facilitating restorative practices with people who have caused harm](#) to assist in developing your interview protocols.
- Develop a plan which includes:
  - An inclusive list of interviewees. Ensure no participant is interviewed more than 2 times.

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- How to determine who will conduct each interview with consideration to the **relationship between the person being interviewed and the interviewer.**
- If more than one interviewer is needed, make sure that they have consistent training, and are asking similar or identical questions.
- Information about when and where each interview will be conducted.
- The interview protocol(s) to be used.
- A list of supports to be provided for the person(s) who have been harmed during the interview process, if applicable, or information about how the person(s) can connect with an advocate to receive support.
- Arrange translation services as necessary for individuals who are not fluent in English.
- Review information gathering plan for potential areas of bias as a team and plan to address those concerns proactively.

### **Safety and Support Planning for Person(s) Harmed**

The safety and healing of the individuals who have been harmed must be prioritized in safety and crisis support planning. What is supportive for one person may be harmful for another. Make sure to offer culturally and linguistically responsive support. Involve family and supportive community members throughout the process.

The following list of safety plan considerations regarding the person(s) who experience harm serves as a starting point for discussions to evaluate needs and supports to inform plan development.

- Regular staff check-ins
- Referral to short-term counseling
- Referral to outside supports/services including employee assistance programs and other mental health supports
- Coming to and going home from school
- Coming to, going from, and attending classes
- Distance learning
- Person(s) impacted encounters the person(s) who caused harm
- Places where contact may be unavoidable
- Who or where to seek emotional support including contact information
- Who to call in addition to 911 in case of emergency
- Safety measures (e.g., carrying cell phone, having contact numbers on person at all times, informing trusted persons of whereabouts, calling 911 when at risk, keeping copies of threatening emails or texts, obtaining a protective order if appropriate)
- Phone and online safety measures and safety apps
- Academic accommodations
- Staff access
- No contact orders for students

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Consider if the following law enforcement supports for the person(s) impacted may be appropriate:

- No contact orders
- Safety escorts
- Temporary notices of criminal trespass
- Enforcement of no-contact orders
- Acknowledge [the differential impact of policing](#)

### **Safety and Support Planning for the Person(s) Who Have Caused Harm**

The following list of safety plan considerations regarding the person(s) who caused harm is intended to serve as a starting point for discussions to evaluate needs and supports to inform plan development. Include family and supportive community members in the planning process as needed.

- Limit access to school and athletic activities
- Limit access to cafeteria and shared campus spaces
- Refer to short-term counseling
- Educate regarding the impacts of hate speech and symbols, the history of racism and its effects, and other key related content areas.
- Refer to outside supports/services including mental health supports.
- Offer healing-centered conferencing
- Offer small group circles
- Offer community circles
- Engage in relationship building
- Engage in Collaborative Problem Solving
- Develop [a plan to repair the harm](#)
- [Reintegrate individuals into the school community](#)
- Consider schedule changes that may include:
  - Travel to and from school
  - Travel between classes
  - Utilizing distance learning
- Consider places where contact may be unavoidable, and where an escort may be necessary and plan accordingly.
- Identify who or where to seek emotional support and provide contact information.
- Review phone and online safety measures and safety apps.
- Implement or revise a functional behavior assessment/behavior improvement plan.

In the case of a protective or restraining order or other actions that are mandated by district policy:

- Make provisions for an alternate school site, home instruction, or remote class viewing/CDL option.

### **Written Communication of Outcome**

Schools must provide written communication of the outcome of the information gathering process. At a minimum, the following information must be included in the written communication of the outcome:

- A statement that an investigation has been initiated;
- A statement that an investigation has been completed;
- Details of the findings and the final determination;
- A list of actions taken and measures employed to prevent a recurrence of harassment; and
- A citation to the law prohibiting release and an explanation of how that law applies to the current situation.

### **Contact:**

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