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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

CHELSEA SHOTTS,

Plaintiff,

v.

NEWBERG SCHOOL DISTRICT 29J;
DAVID BROWN; BRIAN SHANNON;
TREVOR DEHART; and RENEE POWELL,

Defendants.

Case No. 21CV47996
COMPLAINT

(ORS 28.020 Action for Declaratory Judgment
for Violations of Art. I, §§ 8 and 20 of the Oregon
Constitution)

NOT SUBJECT TO MANDATORY
ARBITRATION

ORS 21.135(1) filing fee: \$281

JURY TRIAL REQUESTED

Plaintiff Chelsea Shotts (“Ms. Shotts”) alleges:

NATURE OF THE ACTION

1.

Ms. Shotts brings claims for violations of her Oregon constitutional rights based on the promulgation and implementation of an unconstitutional, unlawful, and discriminatory policy by her employer, the Newberg School District, through its Board of Directors.

PARTIES

2.

Plaintiff Chelsea Shotts is an educator employed by the Newberg School District. Ms. Shotts works with students in the Mindfulness Room at Dundee Elementary School and identifies as bisexual. Ms. Shotts is a resident of Yamhill County.

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3.

Defendant Newberg School District 29J (“District”) is a public school district organized and existing under the laws of the state of Oregon. The District is located in Yamhill County and is governed by a school board (the “Board”) consisting of seven elected members.

4.

Defendants David Brown, Brian Shannon, Trevor DeHart, and Renee Powell (collectively, the “Directors”) are director members of the Board who participated in the development and adoption of the policy at issue in this case. On information and belief, the Directors each reside in Yamhill County and the State of Oregon.

FACTS

The Directive and The Policy

5.

On August 10, 2021, the Board passed Amended Motion 13 (the “Directive”), in which the Board directed Dundee Public Schools then-Superintendent, Dr. Joseph Morelock, to “remove all Black Lives Matter (aka BLM) signs, flags, placards, apparel, buttons, and all other modes of display, and all instances of the symbol known as the Pride Flag from District facilities immediately, and direct the Policy Committee to draft policy language prohibiting the display of political signs, flags, apparel, buttons, placards, and all other modes of display from District facilities, with the sole exception of the American Flag and Oregon state flag, with exemptions as it sees proper. The language contained in this directive shall only apply to district staff and faculty while in the performance of their official duties as District employees.”

6.

The Directive passed with four votes, with each of Directors Brown, Shannon, DeHart, and Powell voting in favor.

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7.

During discussion about the Directive, the Board debated its authorization of the Policy Committee to exempt certain displays from any forthcoming policy that may otherwise proscribe them. Director Powell stated, “You know, where do we draw the line with these flags? We’re not saying that we are going to just have the American flag and the [Oregon] state flag. If somebody’s teaching French or whatever, they can have the French flag. It’s not like we’re eliminating—we’re eliminating just the political stuff.” Another board member pointed out that the Directive instructed the Policy Committee to “eliminate all flags except the American and the Oregon state flag,” meaning the forthcoming policy “would eliminate French flags as well.” In response, Director Powell stated, “Well, I would like, I would like to not have that in there.” A full recording of the Board’s August 10, 2021 meeting can be accessed here:

<https://www.youtube.com/watch?v=3MNLfN1Kg3s>.

8.

On September 1, 2021, the Board met again. Dr. Morelock, who attended the meeting, indicated that he would not implement the portion of the Directive instructing him to remove BLM and Pride displays because he understood it to be unlawful.

9.

At the same September 1 meeting, the Board considered a motion to rescind the Directive, but Directors Brown, Shannon, DeHart, and Powell voted to table that motion. Director DeHart stated, “Tyler Smith, the newly-retained legal counsel for the Board, he sent an email, and it looks like he looked at [the Directive] and made recommendations on how it could be reworded.” Director Shannon responded, “He did provide us language that he believes would pass constitutional muster,” and advocated, “I think we should table this, uh, so that we can time the rescission of [the Directive] to the adoption of the policy that we’re going to formulate.” A recording of the September 1 Board meeting can be accessed here:

<https://www.youtube.com/watch?v=Bu4OdCLM1fE>.

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10.

On September 9, 2021, the Board’s Policy Committee met, joined by the Oregon School Board Association’s Policy Director, Spencer Lewis. The Committee considered the adoption of OSBA Sample Policy GBG entitled, “Staff Participation in Political Activities,” with additional appended language under the header, “Ensuring Safe Environments to Learn.”

11.

The “Ensuring Safe Environments to Learn” portion (the “Policy”) provides in relevant part:

No district employee shall, while acting within the scope of their employment, either during school hours, or inside their physical area of responsibility at a school (such as a classroom, meeting room, desk area) hang, post, erect, or otherwise display (hereafter “display”) any posters, signs, flags, banners, pictures or other digital or physical image that depicts support or opposition relating to a political, quasi-political, or controversial topic.

For purposes of this policy a controversial topic shall be defined as one that a professional educator could reasonably understand to have students on more than one side of said issue. For purposes of this policy a political or quasi-political topic includes contemporary issues being debated in the local, state or national political climate.

12.

The Policy also designates “Notes and Exceptions.” Those “Notes and Exceptions” include:

- * This policy does not restrict in any way students’ First Amendment rights, nor change Policy IB or IGAC.
- * This policy does not restrict in any way District employees First Amendment rights when not speaking in their official capacity, nor while not on the job or if they are not using a forum provided exclusively to them as an employee, or otherwise speaking on behalf of the District
- * This policy does not limit, nor apply to communications, nor the free exchange of ideas during the course of approved educational events or exploration of approved curriculum.
- * The flags of the United States of America and the State of Oregon are not prohibited by this policy.”

A complete copy of the Policy, inclusive of its “Notes and Exceptions,” is attached as **Exhibit 1**.

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13.

The Policy does not define “political,” nor does it define “quasi-political.” With respect to these terms, the Policy states only, “For purposes of this policy, a political or quasi-political topic includes contemporary issues being debated in the local, state or national political climate.” This statement, which itself uses the key term “political,” does not state whether it is exclusive or merely illustrative. “Contemporary issue” is also not defined or described in a way that would clarify whether a person’s identity is “an issue” that can be considered debatable.

14.

The Policy defines a “controversial topic” as “one that a professional educator could reasonably understand to have students on more than one side of said issue.” The Policy does not define “professional educator.” The Policy does not elaborate on what it means to “have students on more than one side of said issue.”

15.

In discussing the Policy’s language, Lewis noted that enforcement may be made “difficult” by the term “controversial.” Dr. Morelock also noted that the portion of the policy identifying a “controversial topic” as one with “students on more than one side of said issue” could be “a challenge for us to enforce.” To illustrate, Dr. Morelock suggested that a display supporting the Oregon Ducks or the Oregon State Beavers could run afoul of the Policy’s definition of “controversial.”

16.

The exceptions to the policy are similarly unclear. In particular, the Policy states, “This policy does not restrict in any way District employees First Amendment rights when not speaking in their official capacity, nor while not on the job or if they are not using a forum provided exclusively to them as an employee, or otherwise speaking on behalf of the District.” The Policy does not define what is meant by “a forum provided exclusively to them as an employee.”

1 17.

2 After discussing the language, the Policy Committee voted 2-1—with Directors Shannon
3 and DeHart voting in favor—to refer the Policy to the full Board for two readings and a vote. A
4 full recording of the Board’s Policy Committee meeting on September 9, 2021 can be accessed
5 here: https://youtu.be/kbYuvOncR_g.

6 18.

7 During its September 14, 2021 meeting, the full Board conducted a first reading of the
8 Policy. A full recording of that meeting can be accessed here: <https://youtu.be/Wj4uOzjQID4>.

9 19.

10 On September 28, 2021, the Policy came before the Board for a second reading and a
11 vote. The Board voted 4-3 to rescind the Directive, and also voted 4-3 to adopt the Policy, with
12 Directors Brown, Shannon, DeHart, and Powell constituting the majority in both votes. A full
13 recording of the Board’s September 28 meeting can be accessed here:
14 <https://youtu.be/sSfs54GtULI>.

15 20.

16 As adopted, the Policy’s enforcement mechanism relies on complaints. Based on the
17 District’s existing complaint procedure, outlined in policy KL/JFH, a complaint must be
18 reviewed first by the relevant teacher or employee, then by the site administrator, and next by the
19 superintendent or their designee. The final arbiter of any complaint under District policy
20 KL/JFH is the Board. A complete copy of the District’s KL/JFH policy is attached as **Exhibit 2**,
21 and the administrative regulation for enforcement that policy (KL/JFH-AR) is attached as
22 **Exhibit 3**.

23 *Community Response*

24 21.

25 As the Board considered the Directive and later the Policy, the Newberg community’s
26 response was robust. One teacher employed by the District, speaking with a reporter, raised

1 concerns not only about her ability to support students, but also her ability to teach the content
2 she is expected to teach under educational standards. She asked, “Are we going to cancel
3 government classes? That is deeply political. What does civics mean? We can’t have civil
4 discourse on anything under this policy language.” The full article discussing this teacher’s
5 comments can be found here: [https://pamplinmedia.com/nbg/142-news/521647-416570-
6 distractions-loom-as-school-year-begins](https://pamplinmedia.com/nbg/142-news/521647-416570-distractions-loom-as-school-year-begins).

7 22.

8 Other statewide leaders also spoke out against the Board’s actions. On September 16,
9 2021, the Oregon Board of Education unanimously passed a resolution entitled, “Encouraging
10 Solidarity and support for Student Identities.” Among other things, the resolution “calls on the
11 Newberg School Board to reverse course on its clear and continuous effort ‘...to remove all
12 Black Lives Matter...modes of display, and all instances of the symbol known as the Pride flag
13 from District facilities,’ and to validate that student identities are not inherently political or
14 controversial[.]” The resolution also calls on the Board “to encourage district staff to celebrate
15 and stand in solidarity with students ... and affirm in words, policy and action that Every Student
16 Belongs[.]” The full resolution can be accessed here: [https://www.oregon.gov/ode/about-
17 us/stateboard/Documents/Resolution%20Encouraging%20Solidarity%20and%20Support%20for
18 %20Student%20Identities.pdf](https://www.oregon.gov/ode/about-us/stateboard/Documents/Resolution%20Encouraging%20Solidarity%20and%20Support%20for%20Student%20Identities.pdf).

19 23.

20 Meanwhile, other incidents occurred in within the District that underscored the need for
21 displays affirming of diverse student identities. On September 14, 2021, reports emerged that at
22 least one Newberg High School student had participated in a national Snapchat group titled
23 “Slave Trade.” The group, which reportedly originated with a user in Michigan, included
24 teenagers from around the country who posted photos of their Black classmates and derogatorily
25 “bid” on them as though they were auctioning off their classmates as slaves. The one Newberg
26 student identified as involved had posted, “They can run but they can’t hide,” after posting in the

1 group with a photo of two Black classmates. The Newberg student continued, “100\$ each. They
2 like picking cotton.” Another member responded, “I’ll take them for 150 as the pair because the
3 ones [g]ay. I don’t fuck wit da homos.” Other members responded with statements like, “Mans
4 sus he comes as a bonus, he’s free,” “Mans so gay, I’ll kill him for Jesus,” and “All blacks
5 should die, let’s have another holocaust.” An article and Twitter post concerning this incident
6 can be found here, [https://pamplinmedia.com/nbg/142-news/521795-416952-newberg-student-](https://pamplinmedia.com/nbg/142-news/521795-416952-newberg-student-involved-in-slave-trade-snapchat-group)
7 [involved-in-slave-trade-snapchat-group](https://pamplinmedia.com/nbg/142-news/521795-416952-newberg-student-involved-in-slave-trade-snapchat-group), and here,
8 <https://twitter.com/RyanTClarke/status/1437603231496957955>, respectively.

9 24.

10 A Black parent of a Newberg High School student, speaking to the press, responded to
11 the above incident by stating, “The fact that a student (or students) felt comfortable enough to
12 take part in such abhorrent and disgusting behavior is a clear illustration of the racism and
13 discrimination that plagues this community. It shows each of us how much work we need to do
14 to make our community and schools welcoming to all people. . . . I shudder when I think of how
15 our Black and Brown students feel showing up [at school].” The parent’s full remarks as
16 reported appear here: [https://pamplinmedia.com/nbg/142-news/521795-416952-newberg-](https://pamplinmedia.com/nbg/142-news/521795-416952-newberg-student-involved-in-slave-trade-snapchat-group)
17 [student-involved-in-slave-trade-snapchat-group](https://pamplinmedia.com/nbg/142-news/521795-416952-newberg-student-involved-in-slave-trade-snapchat-group).

18 *The Gunn Complaint*

19 25.

20 On September 30, 2021, Dundee resident Michael G. Gunn emailed Reed Langdon,
21 Principal of Dundee Elementary School and Ms. Shotts’ immediate supervisor; Dr. Morelock;
22 and the Board. Mr. Gunn’s email referenced the Policy and contained a complaint regarding a
23 display in Ms. Shotts room (the “Gunn Complaint”). A copy of the Gunn Complaint is attached
24 as **Exhibit 4**.

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26.

The Gunn Complaint, featuring the subject line “Gay pride poster,” addressed “what purports to be a gay pride poster displayed in what seems to be a classroom window at the Dundee Elementary School.” That display, which Ms. Shotts posted in the window of her room prior to the enactment of the Policy, featured a rainbow background and the shape of a heart over which the words “Be Known” were written (the “Sign”). A picture of the Sign, taken from outside Ms. Shotts’ classroom, appears below:



27.

The Gunn Complaint specified, among other things, that it was Mr. Gunn’s “understanding that the Board on Tuesday night adopted a ban on such flags, posters, signs, etc. from being displayed” and “[a]s such, this poster should be removed immediately.”

28.

On October 7, 2021, Director Brown responded to Mr. Gunn’s Complaint by email, although neither Mr. Langdon nor Dr. Morelock had yet made their respective determinations.

1 In his response, Director Brown stated in part, “The decision to remove all flags and banners in
2 our schools is to remove all political flags and banners. The United States flag and the Oregon
3 State flag are the only flags to be used in our schools.” Director Brown also stated, “Removing
4 the Pride flag and banners in no way means we are not committed to any and all students who
5 identify as LBGQT+ in anyway.”

6 29.

7 On October 12, 2021, Mr. Gunn gave public testimony by phone at a Board meeting.
8 Immediately after Mr. Gunn’s comment, a male voice can be heard calling a prior student
9 commentor who had advocated against the Policy a “faggot.” A recording of this incident can be
10 found at https://www.youtube.com/watch?v=_Sg8eUrBavc at 15:35-15:43.

11 30.

12 On October 14, 2021, Mr. Langdon responded to Mr. Gunn by email with his decision
13 about the Gunn Complaint, finding that the Sign “is not a political, quasi-political, or
14 controversial display” but rather “is one that honors students and tells them they are welcome at
15 Dundee Elementary.”

16 31.

17 On October 16, 2021, Mr. Gunn appealed Mr. Langdon’s determination about the Sign to
18 Dr. Morelock.

19 32.

20 During its October 26, 2021 meeting, the Board discussed the Policy and its
21 implementation. As part of this discussion, Director Brown stated, “Some of our staff members
22 have shown very clearly where they stand on this issue. The defiance is through the roof and
23 it’s, uh, troubling to a lot of people in our community.” A recording of the full October 26, 2021
24 Board meeting can be accessed at <https://www.youtube.com/watch?v=acBLA4uiTs8>.

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33.

As of October 26, 2021, on information and belief, no complaints made under the Policy had yet reached the Board for its adjudication.

34.

On October 29, 2021, Dr. Morelock emailed Mr. Gunn with his determination that the Sign “is not a political, quasi-political, or controversial sign, and should not be removed.” The next day, Mr. Gunn appealed Dr. Morelock’s determination to the Board.

35.

On November 3, 2021, Ms. Shotts, by and through counsel, mailed and emailed notice of her intent to file a lawsuit pursuant to ORS 30.275 and the Oregon Tort Claims Act (the “Notice”). The Notice alerted Defendants to the Policy’s illegality and outlined her anticipated claims. Despite the Notice, Defendants have not rescinded the Policy or amended it to address the illegalities discussed in the Notice.

36.

On November 9, 2021, the Board considered Mr. Gunn’s appeal regarding the Gunn Complaint during a Board meeting. The packet for the meeting contained documentation regarding the Gunn Complaint, including a cover letter addressing “Statement of Board Decision: Policy GBG Complaint 093021” presented by Director Brown and including all email correspondence discussed in Paragraphs 26-34. This relevant portion of the Board meeting packet is attached as **Exhibit 5**.

37.

While discussing the Gunn Complaint at the November 9 meeting, the Board members struggled with the Policy’s vagueness and ambiguity.

38.

For example, Director Shannon stated, “Let’s be honest, the question is, is this a Pride flag with an image transposed over it? This is like the greyest of grey areas for me, because is

1 any rainbow pattern automatically a Pride flag? I don't think it is, my daughter wears, you
2 know, rainbow pajamas all the time. Um, so, this is a tough one, I'm not going to lie." Director
3 Shannon then moved to table the Board's decision on the Gunn Complaint, and Director Brown
4 seconded the motion.

5 39.

6 Another Board member, Brandy Penner, pointed out, "We've had time to look at this,
7 we've had this complaint known to us. The complainant emailed the Board. We have seen [the
8 Sign] in the windows of Dundee Elementary School. . . . I think you're right, [Director Shannon],
9 this is the exact issue with this policy. Is a rainbow a political symbol? Yes or no? Or [is a
10 rainbow] controversial or quasi-political?"

11 40.

12 The Directors who voted in favor of the Policy also discussed the Sign as an attempted
13 "workaround" of the Policy, implying that staff members subject to the Policy must have
14 understood that the Policy was intended as an explicit ban on Pride and BLM flags.

15 41.

16 Director DeHart stated, "I guess I have some questions. . . . You know, there's many
17 different ducks in the world, and uh, you know they've got different coloring, different shapes,
18 but in the end they're all ducks. So, you know, if we, if we take a Pride flag or BLM flag . . . and
19 we put a heart on it, um, does it change the essence of what it is? . . . If [the Sign] was just a
20 heart and said 'Be Known' on it, would it, would you know, would we be voting different on
21 this? . . . I just wonder if, you know, individuals are just, you know, trying to find ways around,
22 um, what's already known just by throwing different symbols or wording on it."

23 42.

24 At the same time, Director Shannon acknowledged that interpreting the Policy as an
25 extension of the Directive—serving as a ban on Pride and BLM flags—could undermine the
26 Policy legally.

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43.

Director Shannon stated, “So here’s the thing, I think that [the Sign] is a work-around to get around the policy, and I don’t like that. At the same time, I’m afraid that by interpreting the policy too rigidly—too broadly, is the correct word—we would be endangering the policy itself in court.”

44.

The Board then voted on Director Shannon’s motion to table its vote over whether to uphold or overturn Dr. Morelock’s decision about the Gunn Complaint. The motion passed 4-3, with Directors Brown, Shannon, DeHart, and Powell voting in favor of tabling the decision.

Contemporaneous Events

45.

Later, during the same November 9 meeting, the same four Directors—Brown, Shannon, DeHart, and Powell—voted to terminate Dr. Morelock’s contract without cause.

46.

Another Board member, Rebecca Piros, opposed the termination, stating, “What he’s being, um, because he didn’t rush to do something that he felt was illegal, he was protecting the school district from our rashness.” The implication of this statement is that Dr. Morelock was fired because did not enforce the Directive.

47.

Multiple news reports addressing Dr. Morelock’s termination reflect the general conflation, including by the Board itself, of the Directive’s explicit bans on Pride and Black Lives Matter displays with the Policy’s subsequent ban on displays that are “political, quasi-political, or controversial.”

48.

For example, KOIN reported that the Board “voted to fire superintendent Dr. Joe Morelock with the Board’s conservative majority winning that vote, four to three. Those four

1 are in support of banning Pride and BLM flags in its schools.” The broadcast can be accessed at
2 [https://www.koin.com/news/education/newberg-school-board-fires-superintendent-joe-
4 morelock/](https://www.koin.com/news/education/newberg-school-board-fires-superintendent-joe-
3 morelock/).

4 49.

5 Meanwhile, other lawsuits that related to the Policy were filed by and against the
6 Directors.

7 50.

8 On October 18, 2021, the four Directors filed a complaint (the “Director Lawsuit”)
9 against four Yamhill County residents—including two District employees—alleging that they
10 made disclosures in violation of Oregon House Bill 3047.

11 51.

12 In the Director Lawsuit, the defendants allegedly disclosed an employer or a vendor of
13 each of the Directors, in response to the Directors’ development and institution of the Policy.

14 52.

15 For example, the Director Lawsuit defendant who allegedly disclosed a vendor of
16 Director Powell’s artwork reportedly did so by posting a picture to Facebook. That picture
17 allegedly featured a screenshot of an email from the vendor to the defendant, which read in part,
18 “Sorry for the delay in getting back to you about Renee Powell. We were very surprised to hear
19 about this so we contacted the artist directly. Her art is now being pulled from the tasting room.
20 [The vendor] do[es] want to reiterate ou[r] stance on being full inclusion and welcoming of all.
21 Thank you again for letting us know about it.”

22 53.

23 Then, on November 3, 2021, the Newberg Education Association (NEA)—the teachers’
24 union representing the District’s member teachers—filed another lawsuit with several individual
25 NEA members against both the District and the Directors individually. The NEA and its
26 members alleged that the Policy violated the Oregon and United States Constitutions.

1 *Disposition of the Gunn Complaint*

2 54.

3 As of December 17, 2021, the Board has not publicly voted to either uphold or overturn
4 Dr. Morelock’s ruling that the Sign “is not a political, quasi-political, or controversial sign, and
5 should not be removed.”

6 55.

7 The Board’s failure to publicly render this decision has violated District policy KL/JFH-
8 AR, as the Board was required to inform the complainant of its decision within 20 working days
9 of their November 9 hearing regarding the Gunn Complaint. It is not possible for the Board to
10 have timely informed Gunn of a decision that the Board has not yet rendered.

11 56.

12 Despite observing the Board’s discussion of her Sign during the Board’s November 9
13 meeting, Ms. Shotts has not been contacted by the Board or a Board representative regarding the
14 Sign or the Gunn Complaint as of December 17, 2021.

15 57.

16 The Board’s failure to make a timely decision regarding the Gunn Complaint heightened
17 Ms. Shotts’ uncertainty regarding the Policy, and whether she will be subject to any discipline,
18 termination, or other retaliation regarding the Sign or any other speech in which she may wish to
19 engage.

20 **FIRST CLAIM FOR RELIEF**

21 **(Violation of Article I, section 8 of the Oregon Constitution)**

22 58.

23 Ms. Shotts realleges the preceding paragraphs set forth above and incorporates them by
24 reference.

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59.

Ms. Shotts brings this claim under ORS 28.020 for a declaration of her rights pursuant to Article I, section 8 of the Oregon Constitution.

60.

Article I, section 8 of the Oregon Constitution guarantees in part, “No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever[.]”

61.

The Policy expressly regulates expression. By its express terms, the Policy restricts written signs on certain subjects. It is written in terms that are directed at the substance of certain opinions—namely those supporting or opposing “political, quasi-political, or controversial” topics.

62.

The Policy violates Article I, section 8 of the Oregon Constitution by instituting restrictions that constrain Ms. Shotts from “hang[ing], post[ing], erect[ing], or otherwise display[ing] . . . any posters, signs, flags, banners, pictures or other digital or physical image that depicts support or opposition relating to a political, quasi-political, or controversial topic.”

63.

The Policy also chills protected speech that the Board may not ultimately find in violation of it, because the vague and ambiguous Policy relies on a haphazard “standard” defined by the shifting and subjective judgments of both the persons who elect to make complaints under the Policy and the persons who are charged with enforcing it.

64.

Thus, even if the Board ultimately determines that the Sign does not violate the Policy, Ms. Shotts’ current and future speech has been chilled as the result of the Policy and the Directors’ attendant actions. Ms. Shotts has not been provided notice as to which speech

1 qualifies as “controversial, political, or quasi-political,” and she has been made to fear discipline,
2 termination, or retaliation as the result of the Sign. Absent clarity in the Policy or from the
3 Board, Ms. Shotts faces a choice between self-censorship and the risk of discipline. Moreover,
4 she is left in the position of not knowing what she can (and cannot) display in the future to
5 support students in the performance of her job.

6 65.

7 Ms. Shotts’ fear of discipline, termination, or retaliation as the result of her
8 constitutionally-protected speech is heightened by the termination of Dr. Morelock following his
9 reticence to implement the Directive based on his understanding of its illegality.

10 66.

11 Ms. Shotts’ fear of discipline, termination, or retaliation as the result of her
12 constitutionally-protected speech is further heightened by the Directors’ comments interpreting
13 District staff as in “defiance” of the Policy, as well as interpreting her Sign as a “work-around”
14 of the Policy.

15 67.

16 Ms. Shotts’ fear of discipline, termination, or retaliation resulting from her
17 constitutionally-protected speech is further magnified by the Board Lawsuit against two District
18 employees, among others, regarding comments they made in response to the Policy.

19 68.

20 Because her constitutional rights have been and continue to be abridged, Ms. Shotts seeks
21 a declaration that the Policy violates Article I, section 8 of the Oregon Constitution, as well as
22 injunctive relief preventing Defendants from promulgating or enforcing the Policy or other
23 unconstitutional directives.

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1 **SECOND CLAIM FOR RELIEF**

2 **(Violation of Article I, section 20 of the Oregon Constitution)**

3 69.

4 Ms. Shotts realleges the preceding paragraphs set forth above and incorporates them by
5 reference.

6 70.

7 Ms. Shotts brings this claim under ORS 28.020 for a declaration of her rights pursuant to
8 Article I, section 20 of the Oregon Constitution.

9 71.

10 Article I, section 20 of the Oregon Constitution provides, “No law shall be passed
11 granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms,
12 shall not equally belong to all citizens.”

13 72.

14 The Policy violates Article I, section 20 of the Oregon Constitution by instituting vague
15 and ambiguous restrictions that prohibit Ms. Shotts from “hang[ing], post[ing], erect[ing], or
16 otherwise display[ing] . . . any posters, signs, flags, banners, pictures or other digital or physical
17 image that depicts support or opposition relating to a political, quasi-political, or controversial
18 topic.”

19 73.

20 The Policy provides no ascertainable standard and thus confers uncontrolled discretion to
21 the Board as the Policy’s ultimate adjudicator, creating a serious potential for its unequal
22 application and thereby the unequal treatment of citizens.

23 74.

24 Moreover, the deliberative history of the Policy—including the promulgation of the
25 Directive, the Directive’s subsequent rescission purposefully timed together with the Policy’s
26 adoption, and the widespread conflation of the Policy and the Directive—suggests that the Policy

1 was designed to confer unbridled discretion upon the Board specifically such that they could use
2 it as a pretextual vehicle to discriminate and constrain speech that expresses viewpoints with
3 which they do not agree.

4 75.

5 On information and belief, other displays that may be “political, quasi-political, or
6 controversial” have been permitted to remain in the District’s facilities without issue or
7 disruption to the student learning environment.

8 76.

9 Ms. Shotts seeks a declaration that the Policy violates Article I, section 20 of the Oregon
10 Constitution, as well as injunctive relief preventing Defendants from promulgating or enforcing
11 the Policy or other unconstitutional directives.

12 WHEREFORE, Plaintiff prays for judgment as follows:

13 A. A finding and declaration that the Policy violates Article I, section 8 of the
14 Oregon Constitution;

15 B. A finding and declaration that the Policy violates Article I, section 20 of the
16 Oregon Constitution;

17 C. An order enjoining Defendants from implementing or enforcing the Policy or any
18 other policy or directive that violates Plaintiff’s constitutional rights by limiting Plaintiff’s ability
19 to “hang, post, erect, or otherwise display any posters, signs, flags, banners, pictures or other
20 digital or physical image that depicts support or opposition relating to a political, quasi-political,
21 or controversial topic;”

22 D. An award of costs and reasonable attorney fees incurred under ORS 28.080, and
23 any other applicable law; and

24 E. Such other relief as the Court finds just and equitable.

25 ///

26 ///

1 DATED this 17th day of December, 2021.

2 **DAVIS WRIGHT TREMAINE LLP**

3
4 By: s/ Alan J. Galloway

5 Alan J. Galloway (he/him), OSB #083290
6 Meagan A. Himes (she/her), OSB #193787
7 1300 SW Fifth Avenue, Suite 2400
8 Portland, OR 97201
9 Email: alangalloway@dwt.com
10 Email: meaganhimes@dwt.com
11 Telephone: (503) 241-2300
12 Facsimile: (503) 778-5299

13
14 **ACLU FOUNDATION OF OREGON**

15 Kelly Simon (she/her), OSB #154213
16 506 SW Sixth Avenue, Suite 700
17 Portland, OR 97204
18 Email: ksimon@aclu-or.org
19 Telephone: (503) 227-6928
20
21
22
23
24
25
26

Newberg School District 29J

Code: GBG
Adopted: 9/28/21
Orig. Code: GBG

Staff Participation in Political Activities

Employees may exercise their right to participate fully in affairs of public interest on a local, county, state and national level on the same basis as any community member in a comparable position in public or private employment and within the law.

All district employees are privileged within the limitations imposed by state and federal laws and regulations to choose any side of a particular issue and to support their viewpoints as they desire by vote, discussion or persuading others. Such discussion and persuasion, however, will not be carried on during the performance of district duties, except in open discussion during classroom lessons that consider various candidates for a particular office or various sides of a particular political or civil issue.

On all controversial issues, employees must designate that the viewpoints they represent on the issues are personal and are not to be interpreted as the district's official viewpoint.

No employee will use district facilities, equipment or supplies in connection with his/her political activities, nor will he/she use any time during the work day for such political activities.

Ensuring Safe Environments to Learn

No district employee shall, while acting within the scope of their employment, either during school hours, or inside their physical area of responsibility at a school (such as a classroom, meeting room, desk area) hang, post, erect, or otherwise display (hereafter "display") any posters, signs, flags, banners, pictures or other digital or physical image that depicts support or opposition relating to a political, quasi-political, or controversial topic.

For purposes of this policy a controversial topic shall be defined as one that a professional educator could reasonably understand to have students on more than one side of said issue. For purposes of this policy a political or quasi-political topic includes contemporary issues being debated in the local, state or national political climate.

Any person concerned with a particular Display should first notify the District employee believed to be responsible for the Display. Alternatively, the concerned person may file a complaint with a supervisor, school principal or the principal's designee pursuant to District Policy.

Notes and Exceptions:

* This policy does not restrict in any way students' First Amendment rights, nor change Policy IB or IGAC.

* This policy does not restrict in any way District employees First Amendment rights when not speaking

in their official capacity, nor while not on the job or if they are not using a forum provided exclusively to them as an employee, or otherwise speaking on behalf of the District.

* This policy does not limit, nor apply to communications, nor the free exchange of ideas during the course of approved educational events or exploration of approved curriculum.

* Official district billboards in school offices, and union materials covered by collective bargaining agreements and are expressly exempt from this policy.

* The flags of the United States of America and the State of Oregon are not prohibited by this policy.

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)

[ORS 260.432](#)

OR. CONST., art. XV, § 8.

Johnson v. Poway Unified Sch. Dist., 658 F.3d 954 (9th Cir. 2011)

Downs v. LA Unified, 228 F.3d 1003 (9th Cir. 2000)

Cross Reference(s):

INB - Studying Controversial Issues

Newberg School District 29J

Code: **KL/JFH**
Adopted: 12/10/07
Revised/Readopted: 9/08/15
Orig. Code(s): 8350

Public and Student Complaint Procedure

Although no person will be denied the right to petition the Board for redress of a grievance, complaints shall be referred through the proper administrative channels for resolution before investigation or action by the Board. Exceptions are complaints that concern superintendent or Board actions or Board operations.

Complaints, including but not limited to those regarding instruction, discipline or learning materials should be handled in the following order unless otherwise identified:

1. Teacher/employee or other personnel;
2. Site administrator;
3. Superintendent/designee;
4. Board.

Any complaint about school personnel other than the superintendent shall be investigated pursuant to Administrative Regulation KL-AR- Public and Student Complaint Procedure before consideration and action by the Board. The Board shall not hear charges against employees in open session unless requested by the employee.

Complaints against an administrator may be filed with the superintendent. Complaints against the superintendent should be referred to the Board chair. The Board may refer the investigation to a third party.

Complaints against the Board as a whole or against an individual Board member should be made to the Board chair and may be referred to district counsel. Complaints against the Board chair may be made directly to the Board vice chair.

If a complaint alleges violation of state standards and is not resolved at the local level then the district will supply the complainant with appropriate information to file a direct appeal to the State Superintendent of Public Instruction as outlined in the Oregon Administrative Rules (OAR) 581-022-1940.

END OF POLICY

Legal Reference(s):

[ORS 192.610 - 192.690](#)

[ORS 332.107](#)

[OAR 581-022-1940](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

Public and Student Complaint Procedures

The Board directs the superintendent to implement the following process when handling public or student complaints within the district. Complaints regarding discrimination or harassment on any basis protected by law are governed by Board policy AC - Nondiscrimination and administrative regulation AC-AR - Discrimination Complaint Procedure.

Categories of Complaint

Complaints against the superintendent: If the superintendent is the subject of the complaint, the individual may file a complaint directly with the Board chair as indicated in Step Four.

Complaints against the Board as a whole or against an individual Board member should be made to the Board chair and may be referred to district counsel. Complaints against the Board chair may be made directly to the Board vice chair.

All other complaints shall be initiated at Step One.

Initiating a Complaint: Step One

Any person who wishes to express a complaint should discuss the matter with the school employee involved (teacher, counselor, assistant principal, secretary, etc.) Building administrators may request that concerns be submitted in writing.

The Building Administrator: Step Two

If unable to resolve a problem or concern at Step One within 5 working days of meeting with the employee, the complainant may file a written, signed complaint with the building administrator. The building administrator shall evaluate the evidence and render a decision within 10 working days after receiving the complaint.

The Superintendent/Designee: Step Three

If a discussion at the building level does not resolve the complaint or is not practical under the circumstances, within 5 working days of meeting with the building administrator a complainant wishing to pursue the action shall file a signed, written complaint with the superintendent clearly stating the nature of the complaint and a suggested solution or outcome. (A form is available, but is not required.)

The superintendent/designee shall investigate the complaint, confer with the complainant and the parties involved and prepare a written report of findings and conclusions and provide that report to the complainant within 10 working days after receiving the written complaint.

Should the superintendent appoint a designee for the purpose of investigating and rendering a decision on the complaint and the complainant wishes to appeal the decision of the designee, the complainant may submit a written appeal to the superintendent. This appeal must be submitted within 5 working days after the receipt of the designee's response to the complaint. The superintendent will review the merits of the complaint and the designee's decision and respond in writing to the complainant within 10 working days.

The Board: Step Four

If the complainant is dissatisfied with the superintendent's findings and conclusion, the complainant may appeal the decision to the Board within 5 working days of receiving the superintendent's decision. The Board shall hold a hearing to review the findings and conclusion of the superintendent, to hear the complainant and hear and evaluate other evidence as it deems appropriate. Generally all parties involved, including the school administration, will be asked to attend the hearing for the purposes of presenting facts, explanations and clarifying the issues.

The Board may elect to hold the hearing in executive session if the subject matter qualifies under Oregon Revised Statute 192.660.

The complainant shall be informed of the Board's decision within 20 working days from the close of the hearing. The Board's decision shall be final.

Timelines may be extended based on mutual consent of the parties in writing.

If a complaint alleges a violation of state standards and is not resolved at the Board level, then the district will supply the complainant with appropriate information in order to file a direct appeal to the State Superintendent of Public instruction as outlined in Oregon Administrative Rule (OAR) 581-022-1940.

NEWBERG SCHOOL DISTRICT

COMPLAINT FORM

To: _____ Name of School _____

Person Making Complaint _____

Telephone Number _____ Date _____

Nature of Complaint _____

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

Suggested solution/resolution/outcome: _____

Office Use: Disposition of Complaint: _____

Signature: _____ Date: _____

cc: District Office



Jennifer Nelson <nelsonj@newberg.k12.or.us>

Fwd: Gay pride poster

2 messages

Michael G. Gunn <[redacted]> Thu, Sep 30, 2021 at 8:33 AM
To: "morel >> Joe Morelock" <morelockj@newberg.k12.or.us>, boardmembers@newberg.k12.or.us

Mr. Langdon, Mr. Morelock and Board Members,

Attached is a picture of what purports to be a gay pride poster displayed in what seems to be a classroom window at the Dundee Elementary School. This classroom window faces 5th St and is readily discernible from 5th St. The picture was taken yesterday afternoon.

It is my understanding that the Board on Tuesday night adopted a ban on such flags, posters, signs, etc. from being displayed. As such, this poster should be removed immediately. Can you please confirm to me via e mail that the poster has been removed and will no longer be displayed on school property.

Also, can you please comment as to whether or not all teachers and other staff personnel have been informed as to the specifics of the Board action taken Tuesday night and the requirement to comply with said action.

Mr. Morelock, when I tried to send the e mail, it would not send, because it said Mr. Langdon's address was no longer a valid e mail address. I am using the same e mail address I have always use to send him e mails which is the correct address on the school web site. Could you please insure that Mr. Langdon receives the e mail since he is the principal of the school.

I await your response. Thank you.

Michael G. Gunn

Resident of Dundee

----- Forwarded Message -----

Subject:Gay pride poster
Date:Thu, 30 Sep 2021 08:22:29 -0700
From:Chargunn <[redacted]>
To:Michael Gunn <[redacted]>

2 attachments



IMG_0989.jpg
515K

Attached Message Part
1K



NEWBERG

PUBLIC SCHOOLS

INSPIRE. INNOVATE. SUCCEED.

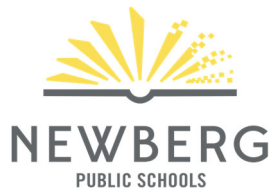
NOVEMBER 9, 2021

BOARD OF DIRECTORS

EXECUTIVE SESSION ORS 192.660 (2)(h) & (2)(b) 5:00 PM

REGULAR MEETING 7:00 PM

Newberg School District Board Room · 714 E 6th St. · Newberg, Oregon 97132



Newberg School District 29J • November 9, 2021
Regular Board Meeting • 7:00 PM

The Board of Directors of the Newberg School District 29J will meet at 7:00 pm on Tuesday, November 9, 2021 for a regular business meeting via Zoom conference call to discuss and take action on minutes and other business items. Executive sessions will be held prior to the regular meeting at 5:00 pm which may delay the start of the regular meeting. Business items on the regular meeting agenda may include:

- I. Call to Order 7:00 pm
- II. Flag Salute 7:03 pm
- III. Review Agenda (Chair David Brown)..... 7:05 pm
- IV. Oaths of Office: Student Representatives to the Board (Chair Brown)..... 7:07 pm
- V. Public Comment (*fill out online form below by November 8, 2021 at 7:00 pm*) 7:10 pm
- VI. Board & Superintendent Comments 7:50 pm
 - a. Board Comments
 - b. Student Representative Comments
 - c. Superintendent Comments
- VII. Consent Agenda 8:10 pm
- VIII. Reports and Presentations
 - a. Monthly Financial Report (Nikki Fowler) 8:15 pm
 - b. Present 2022-2023 Academic Calendar (Gregg Koskela) 8:25 pm
 - c. Break..... 8:35 pm
- IX. Old Business
 - a. Statement of Board Decision: Complaint 091621 (Chair Brown) 8:40 pm
 - b. Superintendent Standing Committee for Policy GBG (Rebecca Piros) 8:50 pm
- X. New Business
 - a. Statement of Board Decision: Policy GBG Complaint 093021 9:00 pm
 - b. OSBA Elections (Chair Brown) 9:10 pm
 - c. Budget Committee Discussion (Nikki Fowler) 9:20 pm
 - d. Budget Process Calendar (Nikki Fowler)..... 9:30 pm
 - e. Supplemental Attorney Services Discussion (Vice-Chair Brian Shannon)..... 9:40 pm
- XI. Work Session Discussion
 - a. Public & Board Comments Procedures (Brandy Penner) 9:50 pm
 - b. Complaint Process Against Board Members (Brandy Penner) 10:00 pm
- XII. Future Agenda Items (Chair Brown) 10:10 pm
- XIII. Adjourn Regular Session

To make a Public Comment, fill out this online form 24 hours before the meeting or by 7:00 pm on November 8, 2021: <http://bit.ly/NPSPublicComment>

To listen to the meeting, call one of these numbers and follow the prompts:
1-253-215-8782 or 1-301-715-8592 **Meeting ID: 823 5692 7210; Passcode: 869105**
Or login via Zoom, using Meeting ID: 823 5692 7210; Password: 869105
<https://us02web.zoom.us/j/82356927210?pwd=Y2FseStHcVBQTGM2eE04RjBiWUJ5WUT09>

*Newberg School District is an equal opportunity educator and employer.
Persons having questions about or requests for special needs and accommodations should contact the Board Secretary;
Phone: 503-554-5036; Newberg School District, 714 East Sixth Street, Newberg, Oregon.*

Posted: November 5, 2021

NEWBERG SCHOOL DISTRICT 29J | 714 E 6TH ST., NEWBERG, OR 97132



Newberg School District 29J Board Meeting Date: November 9, 2021

ITEM: Statement of Board Decision: Policy GBG Complaint 093021
PRESENTER: Chair Dave Brown ACTION

BACKGROUND:

On September 30, 2021, Policy GBG Complaint 093021 reported a poster displayed in a classroom window at the Dundee Elementary School to be in violation of Policy GBG: Staff Participation in Political Activities and was submitted to the District through the complaint process outlined in Policy KL/JFH: Public and Student Complaint Procedure and associated administrative regulations.

Because the complainant was dissatisfied with the findings and conclusions provided in steps 1-3 of the complaint process, the complainant chose to appeal the decision to the Board.

On November 9, 2021, the Board will hold a hearing regarding the complaint as it relates to a violation of newly passed Policy GBG: Staff Participation in Political Activities and deliver a statement of their decision to either uphold or overturn the administrative decision appealed to the Board on Policy GBG Complaint 093021.

RECOMMENDATION: Move that the Newberg School District Board of Directors **uphold OR overturn** the administrative decision regarding Policy GBG Complaint 093021.



Jennifer Nelson <nelsonj@newberg.k12.or.us>

Fwd: Gay pride poster

2 messages

Michael G. Gunn <[redacted]> Thu, Sep 30, 2021 at 8:33 AM
To: "morel >> Joe Morelock" <morelockj@newberg.k12.or.us>, boardmembers@newberg.k12.or.us

Mr. Langdon, Mr. Morelock and Board Members,

Attached is a picture of what purports to be a gay pride poster displayed in what seems to be a classroom window at the Dundee Elementary School. This classroom window faces 5th St and is readily discernible from 5th St. The picture was taken yesterday afternoon.

It is my understanding that the Board on Tuesday night adopted a ban on such flags, posters, signs, etc. from being displayed. As such, this poster should be removed immediately. Can you please confirm to me via e mail that the poster has been removed and will no longer be displayed on school property.

Also, can you please comment as to whether or not all teachers and other staff personnel have been informed as to the specifics of the Board action taken Tuesday night and the requirement to comply with said action.

Mr. Morelock, when I tried to send the e mail, it would not send, because it said Mr. Langdon's address was no longer a valid e mail address. I am using the same e mail address I have always use to send him e mails which is the correct address on the school web site. Could you please insure that Mr. Langdon receives the e mail since he is the principal of the school.

I await your response. Thank you.

Michael G. Gunn

Resident of Dundee

----- Forwarded Message -----

Subject:Gay pride poster
Date:Thu, 30 Sep 2021 08:22:29 -0700
From:Chargunn <[redacted]>
To:Michael Gunn <[redacted]>

2 attachments



IMG_0989.jpg
515K

Attached Message Part
1K

David Brown <browndav@newberg.k12.or.us>

Sat, Oct 23, 2021 at 2:13 PM

To: "Michael G. Gunn" <[REDACTED]>, Board Members <boardmembers@newberg.k12.or.us>, Joe Morelock <morelockj@newberg.k12.or.us>

To Mike

Thank you for writing into the NSD Board and sharing your thoughts and concerns.

Please double check the email address for Principal Langdon and even call the NSD main office for verification.

Dave

Dave Brown
Newberg School Board Chair
Zone 6 Director

NSD Board emails

NSD Board Chair will respond to all emails sent to the NSD board.

All NSD Board members and the NSD superintendent will receive a copy of this email.

browndav@newberg.k12.or.us

[Quoted text hidden]



Jennifer Nelson <nelsonj@newberg.k12.or.us>

Fwd: Gay pride poster

2 messages

Michael G. Gunn <[REDACTED]>
To: boardmembers@newberg.k12.or.us

Tue, Oct 5, 2021 at 2:33 PM

Board Members,

This is Mr. Morelock's response and my reply regarding the complaint I lodged regarding the gay pride poster being displayed in a Dundee School classroom. I look forward to receiving a response in the next few days.

Thank you.

Mike Gunn

----- Forwarded Message -----

Subject:Re: Gay pride poster**Date:**Tue, 5 Oct 2021 14:28:44 -0700**From:**Michael G. Gunn <[REDACTED]>**To:**Joe Morelock <morelockj@newberg.k12.or.us>**CC:**Reed Langdon <langdonr@newberg.k12.or.us>

Thank you Mr. Morelock. I will look forward to a response from Mr. Langdon in the next few days

Mike Gunn

On 10/5/2021 11:34 AM, Joe Morelock wrote:

Hello Mr. Gunn,

Mr. Langdon has received a copy of your email. He will respond as per our complaint procedure outlined in Board policy.

Thanks,

Joe

Dr. Joe Morelock
Superintendent, Newberg Public Schools
503.554.5000

On Sep 30, 2021, at 8:33 AM, Michael G. Gunn <[REDACTED]> wrote:

Mr. Langdon, Mr. Morelock and Board Members,

Attached is a picture of what purports to be a gay pride poster displayed in what seems to be a classroom window at the Dundee Elementary School. This classroom window faces 5th St and

is readily discernible from 5th St. The picture was taken yesterday afternoon.

It is my understanding that the Board on Tuesday night adopted a ban on such flags, posters, signs, etc. from being displayed. As such, this poster should be removed immediately. Can you please confirm to me via e mail that the poster has been removed and will no longer be displayed on school property.

Also, can you please comment as to whether or not all teachers and other staff personnel have been informed as to the specifics of the Board action taken Tuesday night and the requirement to comply with said action.

Mr. Morelock, when I tried to send the e mail, it would not send, because it said Mr. Langdon's address was no longer a valid e mail address. I am using the same e mail address I have always use to send him e mails which is the correct address on the school web site. Could you please insure that Mr. Langdon receives the e mail since he is the principal of the school.

I await your response. Thank you.

Michael G. Gunn

Resident of Dundee

----- Forwarded Message -----

Subject:Gay pride poster

Date:Thu, 30 Sep 2021 08:22:29 -0700

From:Chargunn <[REDACTED]>

To:Michael Gunn <[REDACTED]>

<IMG_0989.jpg><Attached Message Part.txt>

--

David Brown <browndav@newberg.k12.or.us>

Thu, Oct 7, 2021 at 6:24 AM

To: "Michael G. Gunn" <[REDACTED]>, Board Members <boardmembers@newberg.k12.or.us>, Joe Morelock <morelockj@newberg.k12.or.us>

Thank you for writing into the NSD Board and sharing your thoughts and concerns.

The decision to remove all flags and banners in our schools is to remove all political flags and banners. The United States flag and the Oregon State flag are the only flags to be used in our schools.

The flag and banners ban was and has never been about hurting or hindering our students or staff. Public schools have operated over a long period of time with a policy of no politics in our schools. By removing these flags now means we protect our schools from other flags and banners that will surely present themselves if allowed.

Every student means all students regardless of race, gender or any other grouping of students in anyway. Our district is committed to taking care of our students while they are in our care at school. Students and staff operate under very different policies. Students have lost no freedoms of speech or rights. Staff follow Newberg School District polices while they are fulfilling their duties as a district employee.

Any and all students who have academic, social or medical needs have resources in every building to help them.

All students of any race are welcome and will be treated with the upmost respect.

Removing the Pride flag and banners in no way means we are not committed to any and all students who identify as LBGQT+ in anyway. Any student who has any need will find staff available and willing to help. The key is to build culture, relationships and meeting needs today and finding solutions for tomorrow.

Removing politics now means we can put our energy and efforts into finding the very best ways to educate and help every single student in our schools.

Thank You

Dave Brown
Newberg School Board Chair
Zone 6 Director

NSD Board emails

NSD Board Chair will respond to all emails sent to the NSD board.

All NSD Board members and the NSD superIntendent will receive a copy of this email.

browndav@newberg.k12.or.us

[Quoted text hidden]



Jennifer Nelson <nelsonj@newberg.k12.or.us>

Fwd: Complaint Received

7 messages

Michael G. Gunn <[REDACTED]>

Sat, Oct 16, 2021 at 9:05 AM

To: Joe Morelock <morelockj@newberg.k12.or.us>, boardmembers@newberg.k12.or.us

Mr. Morelock and School Board Members,

I am forwarding Mr. Langdon's decision on the Complaint I recently made. The second paragraph of his decision dismisses the complaint from his standpoint. I do not agree with that decision. Accordingly, I am appealing his decision to you as superintendent for a review of his decision.

Please advise when I can expect a decision from you.

Thank you.

Mike Gunn

----- Forwarded Message -----

Subject:Re: Complaint Received**Date:**Thu, 14 Oct 2021 16:00:00 -0700**From:**Reed Langdon <langdonr@newberg.k12.or.us>**To:**Michael G. Gunn <[REDACTED]>

Good Afternoon Mr. Gunn

On October 6th, I received your e-mail, which you sent to the District office. I followed board policy on this which states I "shall evaluate the evidence and render a decision within 10 working days after receiving the complaint."

In reviewing the evidence on this, I have determined this is not a political, quasi-political, or controversial display. It is one that honors students and tells them they are welcome at Dundee Elementary.

Thank you for reaching out. If you are not satisfied with this resolution, board policy allows you to express your concern to the office of the Superintendent.

Take Care,

On Wed, Oct 6, 2021 at 2:13 PM Reed Langdon <langdonr@newberg.k12.or.us> wrote:

Good Afternoon Mr. Gunn,

Dr. Morelock forwarded me your email from September 30th. In accordance with board policy, I shall evaluate the evidence and render a decision within 10 working days of your complaint which would be

October 15th.

Sincerely,

--

Reed L. Langdon
Principal
Dundee Elementary School
(503) 554-4854

“Fair is getting what you need and deserve and not getting what you don't need and don't deserve.” -

Kevin Hall

"Change will not come if we wait for some other person or some other time. We are the ones we've been waiting for. We are the change that we seek." - Barack Obama

--

Reed L. Langdon
Principal
Dundee Elementary School
(503) 554-4854

“Fair is getting what you need and deserve and not getting what you don't need and don't deserve.” - Kevin

Hall

"Change will not come if we wait for some other person or some other time. We are the ones we've been waiting for. We are the change that we seek." - Barack Obama

Joe Morelock <morelockj@newberg.k12.or.us>
To: "Michael G. Gunn" <[REDACTED]>
Cc: boardmembers@newberg.k12.or.us

Mon, Oct 18, 2021 at 11:37 AM

Thank you Mr. Gunn, I have received your complaint. You will get a decision either from me or from my designee in the next week.

Thanks,

Joe
[Quoted text hidden]

Michael G. Gunn <[REDACTED]>
To: Joe Morelock <morelockj@newberg.k12.or.us>
Cc: boardmembers@newberg.k12.or.us

Mon, Oct 18, 2021 at 12:40 PM

Thank you Mr. Morelock. I will look for communication next week.

Mike Gunn

[Quoted text hidden]

--

Joe Morelock <morelockj@newberg.k12.or.us>
To: "Michael G. Gunn" <[REDACTED]>
Cc: langdonr@newberg.k12.or.us, Derek Brown <brownd@newberg.k12.or.us>

Fri, Oct 29, 2021 at 3:27 PM

Hello Mr. Gunn,

I have reviewed your complaint, I spoke with Mr. Langdon, and I also looked at the sign in question in person myself. The symbol you reference has rainbow colors, it also has a heart shape superimposed over it, and uses the words "Be Known," which is George Fox University's tagline.

After reviewing the item and speaking with the principal and staff member, I have determined that it is not a political, quasi-political, or controversial sign, and should not be removed.

If you are not satisfied with this disposition of your complaint, board policy allows you to appeal your decision to the Board. Please let me know within five (5) working days if you would like to appeal, and we will help you with the next steps.

Joe

Dr. Joe Morelock
Superintendent, Newberg Public Schools
503.554.5000

[Quoted text hidden]

Michael G. Gunn <[REDACTED]>
To: Joe Morelock <morelockj@newberg.k12.or.us>
Cc: langdonr@newberg.k12.or.us, Derek Brown <brownd@newberg.k12.or.us>, boardmembers@newberg.k12.or.us

Sat, Oct 30, 2021 at 9:32 AM

Mr. Morelock,

Thank you for the communication. As you can probably imagine, I do not agree with your decision and desire to appeal it to the school board. What is the process for the appeal, or is this e mail sufficient? Please advise. Thanks.

Mike Gunn

[Quoted text hidden]

Joe Morelock <morelockj@newberg.k12.or.us>
To: "Michael G. Gunn" <[REDACTED]>
Cc: Reed Langdon <langdonr@newberg.k12.or.us>, Derek Brown <brownd@newberg.k12.or.us>, boardmembers@newberg.k12.or.us

Mon, Nov 1, 2021 at 4:19 PM

This email is sufficient to move your complaint to the Board level. I will let you know after we work on the agenda this week for the upcoming board meeting what your next step in resolution is. It is likely you will need to provide a written statement as to why you believe the symbol to be political. I can review your initial complaint to the principal to see if that is enough, or if you'd like to provide more context.

Thanks,

Joe

[Quoted text hidden]

Michael G. Gunn <[REDACTED]>
To: Joe Morelock <morelockj@newberg.k12.or.us>
Cc: boardmembers@newberg.k12.or.us

Mon, Nov 1, 2021 at 5:32 PM

Mr. Morelock,

Unless I receive any communication to the contrary, I will assume my original complaint is satisfactory to appeal the decision to the school board. Please advise. Thanks.

Mike Gunn

[Quoted text hidden]