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**Board Policy Manual**

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➤ **Policy 5145.3: Nondiscrimination/Harassment**

**Status:** ADOPTED

Original Adopted Date: 06/13/2019 | Last Revised Date: 10/15/2020 | Last Reviewed Date: 10/15/2020

[see more](#)

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

The Governing Board desires to provide a safe school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

**Record-Keeping**

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 432	Student records ()
5 CCR 4600-4670	Uniform complaint procedures ()
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs ()
Civ. Code 1714.1	<a href="http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1714.1&amp;lawCode=CIV">Liability of parent or guardian for act of willful misconduct by a minor (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1714.1&amp;lawCode=CIV)</a>
Ed. Code 200-262.4	<a href="http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=1&amp;chapter=2&amp;part=1&amp;lawCode=EDC&amp;title=1&amp;article=1">Educational equity; prohibition of discrimination on the basis of sex (http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=1&amp;chapter=2&amp;part=1&amp;lawCode=EDC&amp;title=1&amp;article=1)</a>
Ed. Code 48900.3	Suspension or expulsion for act of hate violence ()
Ed. Code 48900.4	Suspension or expulsion for threats or harassment ()
Ed. Code 48904	Liability of parent/guardian for willful student misconduct ()
Ed. Code 48907	Student exercise of free expression ()
Ed. Code 48950	Freedom of speech ()

State	Description
Ed. Code 48985	Translation of notices ()
Ed. Code 49020-49023	Athletic programs ()
Ed. Code 49060-49079	Student records ()
Ed. code 49060-49079	Student records ()
Ed. Code 51500	Prohibited instruction or activity ()
Ed. Code 51501	Prohibited means of instruction ()
Ed. Code 60044	Prohibited instructional materials ()
Gov. Code 11135	Nondiscrimination in programs or activities funded by state ()
Pen. Code 422.55	Definition of hate crime ()
Pen. Code 422.6	Crimes, harassment ()

Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972 ()
28 CFR 35.107	Nondiscrimination on basis of disability; complaints ()
29 USC 794	Rehabilitation Act of 1973, Section 504 ()
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin ()
34 CFR 104.7	Designation of responsible employee for Section 504 ()
34 CFR 104.8	Notice ()
34 CFR 106.8	Designation of responsible employee for Title IX ()
34 CFR 106.9	Notification of nondiscrimination on basis of sex ()
34 CFR 110.25	Prohibition of discrimination based on age ()
34 CFR 99.31	Disclosure of personally identifiable information ()
42 USC 12101-12213	Title II equal opportunity for individuals with disabilities ()
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended ()
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964 ()
42 USC 6101-6107	Age Discrimination Act of 1975 ()

Management Resources	Description
CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018 ()
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567 ()
Court Decision	Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130 ()
CSBA Publication	Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017 ()
First Amendment Center Publication	Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006 ()
U.S Dept of Ed Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70 ()
U.S. Dept of Health & Human Services Publication	Guid. to Fed Fin. Assist. Recipients Re. Title VI Prohibition Against Nat'l Origin Discrimination Affect Limited English Proficient Persons, Aug. 2013 ()
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010 ()
U.S. DOE, Office for Civil Rights Publication	Notice of Non-Discrimination, Fact Sheet, August 2010 ()
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016 ()
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015 ()
Website	<a href="http://www.firstamendmentcenter.org">First Amendment Center (http://www.firstamendmentcenter.org)</a>
Website	<a href="http://oag.ca.gov">California Office of the Attorney General (http://oag.ca.gov)</a>
Website	<a href="http://www.casafeschools.org">California Safe Schools Coalition (http://www.casafeschools.org)</a>
Website	<a href="http://www.ed.gov/about/offices/list/ocr/index.html">U.S. Department of Education, Office for Civil Rights (http://www.ed.gov/about/offices/list/ocr/index.html)</a>
Website	<a href="http://www.csba.org">CSBA (http://www.csba.org)</a>
Website	<a href="http://www.cde.ca.gov">California Department of Education (http://www.cde.ca.gov)</a>

## Cross References

Code	Description
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<b>Code</b>	<b>Description</b>
0410	<a href="#">Nondiscrimination In District Programs And Activities (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=qChghjGV0WKqgplussubjSI1A==)</a>
0415	<a href="#">Equity (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=cYvtpMaUi11QX008rCFPag==)</a>
0450	<a href="#">Comprehensive Safety Plan (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=LyrIDAanmqZctqj8vPQ4A==)</a>
0450	<a href="#">Comprehensive Safety Plan (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=pGslshIHigmV0dHvifDvcxMXQ==)</a>
0470	<a href="#">COVID-19 Mitigation Plan (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=SaxlbcQJukowhcegO8DbdA==)</a>
1312.1	<a href="#">Complaints Concerning District Employees (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=6TmNzsVGslshEgtsKF8PJRBplusg==)</a>
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1312.3	<a href="#">Uniform Complaint Procedures (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=sslsh4X5P0slshbIM0t9ZaRr9Qbw==)</a>
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1312.3-E(1)	<a href="#">Uniform Complaint Procedures (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=DxwfaJACxXbVerKQLDZfew==)</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=yIG557T4rsXa9fxZJhrioQ==)</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=aRDL5r5gmukLDUDnvMZtnA==)</a>
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3530	<a href="#">Risk Management/Insurance (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=rRjci5wOo4yzPIrVvxvdew==)</a>
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3553	<a href="#">Free And Reduced Price Meals (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=GN8V8HAFMn1c5j2MR3ZdKw==)</a>
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4131	<a href="#">Staff Development (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=w97wllhff6CplusfOYJmQwxcg==)</a>
4219.21	<a href="#">Professional Standards (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=11T6N21Z7aplusEhslshKaBSTLug==)</a>
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5000	<a href="#">Concepts And Roles (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=Y6qJTErMYBjmTslshPRdTSslshWw==)</a>
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5138	<a href="#">Conflict Resolution/Peer Mediation (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=qay0h4IXqX3IriuKIZ8EslshQ==)</a>

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5145.12	<a href="#">Search And Seizure (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=4pjPrLZ7Rdgs5uP62VI3HQ==)</a>
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6163.4-E(1)	<a href="#">Student Use Of Technology (/Policy/ViewPolicy.aspx?S=36030895&amp;revid=IFDxiWmA6DsIsh4v10Q9i2jBA==)</a>
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