

Policy 5145.3: Nondiscrimination/Harassment

Status:

Original Adopted Date: 01/23/2013 | **Last Revised Date:** 09/21/2022 | **Last Reviewed Date:** 06/12/2024

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a school under the jurisdiction of the local educational agency, 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 **,and to all acts of the** Governing Board **and the Superintendent** Chief Learning Officer **in enacting policies and procedures that govern the district.**

The Board desires to provide a **welcoming, safe, and supportive** 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, sexual 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, sexual 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.

Because unlawful discrimination may occur when disciplining students, including suspension and expulsion, the Superintendent Chief Learning Officer **or designee shall ensure that staff enforce discipline rules fairly, consistently and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144 - Discipline, Board Policy and Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).**

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 Chief Learning Officer 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 Chief Learning Officer or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's ~~web site~~**website** in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. **(Education Code 234.1, 234.6)**

The Superintendent Chief Learning Officer 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 Chief Learning Officer 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 Chief Learning Officer 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.

All allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.

Record-Keeping

The Superintendent Chief Learning Officer 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 educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension or expulsion for harassment, threats, or intimidation
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49020-49023	Athletic programs
Ed. Code 49060-49079	Student records
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11135	Prohibition of discrimination
Pen. Code 422.55	Definition of hatecrime
Pen. Code 422.6	Crimes; harassment
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
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	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap

34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101-12213	Americans with Disabilities Act
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
34 CFR 106.30	Discrimination on the basis of sex; definitions
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018
California Department of Education Publication	California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
U.S DOE, 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. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
U.S. Dept. of Health & Human Services Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2013
U.S. DOE & U.S. DOJ Civil Rights Divisions Pub	Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023
U.S. DOE Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
U.S. DOE, Office for Civil Rights Publication	Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual

U.S. DOE, Office for Civil Rights
Publication

[Orientation and Gender Identity in Light of Bostock v. Clayton County, June 2021](#)

[Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023](#)

U.S. DOE, Office for Civil Rights
Publication

[U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023](#)

U.S. DOE, Office for Civil Rights
Publication

[Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022](#)

U.S. DOE, Office for Civil Rights
Publication

~~Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973~~
[Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022](#)

U.S. DOE, Office for Civil Rights
Publication

[Dear Colleague Letter: Race and School Programming, August 2023](#)

U.S. DOE, Office for Civil Rights
Publication

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[First Amendment Center](#)

Website

[California Office of the Attorney General](#)

Website

[California Safe Schools Coalition](#)

Website

[CSBA](#)

Website

[California Department of Education](#)

Website

[U.S. Department of Education, Office for Civil Rights](#)

Cross References

Code

0410

Description

~~Nondiscrimination In District Programs And Activities~~
Nondiscrimination In District Programs And Activities

~~0415~~**0450**

~~Comprehensive Safety Plan~~
Equity

0450

~~Comprehensive Safety Plan~~
Comprehensive Safety Plan

~~0450~~**1114**

~~District Sponsored Social Media~~
Comprehensive Safety Plan

~~0470~~**1114**

~~District Sponsored Social Media~~
COVID-19 Mitigation Plan

~~1114~~**1240**

~~Volunteer Assistance~~
District-Sponsored Social Media

~~1114~~**1240**

~~Volunteer Assistance~~
District-Sponsored Social Media

12401312.1	Complaints Concerning District Employees Volunteer Assistance
12401312.1	Complaints Concerning District Employees Volunteer Assistance
1312.21	Complaints Concerning Instructional Materials Complaints Concerning District Employees
1312.21	Complaints Concerning Instructional Materials Complaints Concerning District Employees
1312.2-E-PDF(1)	Complaints Concerning Instructional Materials Complaints Concerning Instructional Materials
1312.32	Uniform Complaint Procedures Complaints Concerning Instructional Materials
1312.32	Uniform Complaint Procedures Complaints Concerning Instructional Materials
1312.43	Williams Uniform Complaint Procedures Uniform Complaint Procedures
1312.4-E-PDF(1)3	Williams Uniform Complaint Procedures Uniform Complaint Procedures
1312.31340	Access To District Records Uniform Complaint Procedures
1312.31340	Access To District Records Uniform Complaint Procedures
35151312.4	Recovery For Property Loss Or Damage Williams Uniform Complaint Procedures
35151312.4	Recovery For Property Loss Or Damage Williams Uniform Complaint Procedures
1312.43530	Risk Management/Insurance Williams Uniform Complaint Procedures
13133530	Risk Management/Insurance Civility
13403553	Free And Reduced Price Meals Access To District Records
13403553	Free And Reduced Price Meals Access To District Records
3515.43580	District Records Recovery For Property Loss Or Damage
3515.43580	District Records Recovery For Property Loss Or Damage
35304112.6	Personnel Files Risk Management/Insurance
35304112.9	Employee Notifications Risk Management/Insurance
35534112.9-E-PDF(1)	Employee Notifications Free And Reduced Price Meals
35534118	Dismissal/Suspension/Disciplinary Action Free And Reduced Price Meals
35804119.21	Professional Standards District Records

35804119.21-E PDF(1)	Professional Standards District Records
4112.64119.23	Unauthorized Release Of Confidential/Privileged Information Personnel Files
4112.94131	Staff Development Employee Notifications
4112.94131	Staff Development Employee Notifications
41184212.6	Personnel Files Dismissal/Suspension/Disciplinary Action
41184212.9	Employee Notifications Dismissal/Suspension/Disciplinary Action
4119.214212.9-E PDF(1)	Employee Notifications Professional Standards
4119.214218	Dismissal/Suspension/Disciplinary Action Professional Standards
4119.234219.21	Professional Standards Unauthorized Release Of Confidential/Privileged Information
41314219.21-E PDF(1)	Professional Standards—Code Of Ethics Classified Employees Staff Development
4212.64219.23	Unauthorized Release Of Confidential/Privileged Information Personnel Files
4212.94231	Staff Development Employee Notifications
4212.94231	Staff Development Employee Notifications
42184312.6	Personnel Files Dismissal/Suspension/Disciplinary Action
42184312.9	Employee Notifications Dismissal/Suspension/Disciplinary Action
4219.214312.9-E PDF(1)	Employee Notifications Professional Standards
43194219.21	Professional Standards Professional Standards
4219.234319.21-E PDF(1)	Professional Standards Unauthorized Release Of Confidential/Privileged Information
42314319.23	Unauthorized Release Of Confidential/Privileged Information Staff Development
4312.64331	Staff Development Personnel Files
4312.94331	Staff Development Employee Notifications
4312.95000	Concepts And Roles Employee Notifications
4319.215030	Student Wellness Professional Standards
4319.215111	Admission Professional Standards
4319.235111	Admission Unauthorized Release Of Confidential/Privileged Information
43315113.1	Chronic Absence And Truancy Staff Development

50005113.1	Chronic Absence And Truancy Concepts And Roles
50305113.12	District School Attendance Review Board Student Wellness
51115113.12	District School Attendance Review Board Admission
51115116.2	Involuntary Student Transfers Admission
5113.15125	Student Records Chronic Absence And Truancy
5113.15125	Student Records Chronic Absence And Truancy
5113.125125.1	Release Of Directory Information District School Attendance Review Board
5113.125125.1	Release Of Directory Information District School Attendance Review Board
5125.3	Challenging Student Records Student Records
51255131	Conduct Student Records
5125.15131.2	Bullying Release Of Directory Information
5125.15131.2	Bullying Release Of Directory Information
5125.15131.5	Vandalism And Graffiti Release Of Directory Information
5125.35132	Dress And Grooming Challenging Student Records
51315132	Dress And Grooming Conduct
5131.25137	Positive School Climate Bullying
5131.25138	Conflict Resolution/Peer Mediation Bullying
5131.55141.22	Infectious Diseases Vandalism And Graffiti
51325141.22	Infectious Diseases Dress And Grooming
51325141.27	Food Allergies/Special Dietary Needs Dress And Grooming
51375141.27	Food Allergies/Special Dietary Needs Positive School Climate
51385141.4	Child Abuse Prevention And Reporting Conflict Resolution/Peer Mediation
5141.422	Child Abuse Prevention And Reporting Infectious Diseases
5141.5222	Suicide Prevention Infectious Diseases
5141.5227	Suicide Prevention Food Allergies/Special Dietary Needs
5141.275144	Discipline Food Allergies/Special Dietary Needs
51445141.4	Discipline Child Abuse Prevention And Reporting
5144 E PDF(1)5141.4	Discipline Child Abuse Prevention And Reporting
5141.525144.1	Suspension And Expulsion/Due Process Suicide Prevention
5141.525144.1	Suspension And Expulsion/Due Process Suicide Prevention

5144.2	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u> Discipline
5144 5145.12	<u>Search And Seizure</u> Discipline
5144.1 5145.12	<u>Search And Seizure</u> Suspension And Expulsion/Due Process
5145.2 5144.1	<u>Freedom Of Speech/Expression</u> Suspension And Expulsion/Due Process
5145 5144.2	<u>Freedom Of Speech/Expression</u> Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6 12	<u>Parent/Guardian Notifications</u> Search And Seizure
5145.6-E-PDF(1) 12	<u>Parent/Guardian Notifications</u> Search And Seizure
5145.6-E-PDF(2)	<u>Parent/Guardian Notifications</u> Freedom Of Speech/Expression
5145.72	<u>Sexual Harassment</u> Freedom Of Speech/Expression
5145.76	<u>Sexual Harassment</u> Parent/Guardian Notifications
5145.71 6	<u>Title IX Sexual Harassment Complaint Procedures</u> Parent/Guardian Notifications
5145.97	<u>Hate-Motivated Behavior</u> Sexual Harassment
5145.7 5146	<u>Married/Pregnant/Parenting Students</u> Sexual Harassment
5145.71 6142.1	<u>Sexual Health And HIV/AIDS Prevention Instruction</u> Title IX Sexual Harassment Complaint Procedures
5145.71 6142.1	<u>Sexual Health And HIV/AIDS Prevention Instruction</u> Title IX Sexual Harassment Complaint Procedures
5145.9 6143	<u>Courses Of Study</u> Hate-Motivated Behavior
5146 6143	<u>Courses Of Study</u> Married/Pregnant/Parenting Students
6142.1 6144	<u>Controversial Issues</u> Sexual Health And HIV/AIDS Prevention Instruction
6142.1 6145	<u>Extracurricular And Cocurricular Activities</u> Sexual Health And HIV/AIDS Prevention Instruction
6142.8 6145	<u>Extracurricular And Cocurricular Activities</u> Comprehensive Health Education
6142.8 6145.2	<u>Athletic Competition</u> Comprehensive Health Education
6143 6145.2	<u>Athletic Competition</u> Courses Of Study
6143 6153	<u>School Sponsored Trips</u> Courses Of Study
6144 6153	<u>School Sponsored Trips</u> Controversial Issues
6145 6159.4	<u>Behavioral Interventions For Special Education Students</u> Extracurricular And Cocurricular Activities

6145.6161.1	Selection And Evaluation Of Instructional Materials Extracurricular And Cocurricular Activities
6145.26161.1	Selection And Evaluation Of Instructional Materials Athletic Competition
6145.26161.1 -E PDF(1)	Selection And Evaluation Of Instructional Materials Athletic Competition
61536161.11	Supplementary Instructional Materials School-Sponsored Trips
61536161.11 -E PDF(1)	Supplementary Instructional Materials School-Sponsored Trips
6159.46163.1	Library Media Centers Behavioral Interventions For Special Education Students
6161.16163.4	Student Use Of Technology Selection And Evaluation Of Instructional Materials
6161.16163.4 -E PDF(1)	Student Use Of Technology Selection And Evaluation Of Instructional Materials
6161.16164.2	Guidance/Counseling Services Selection And Evaluation Of Instructional Materials
6161.116173.1	Education For Foster Youth Supplementary Instructional Materials
61736163.1	Education For Foster Youth Library Media Centers
6163.47110	Facilities Master Plan Student Use Of Technology
6163.4	Student Use Of Technology
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
7110	Facilities Master Plan