PROPOSED CHANGES

Students BP 5145.3(a)

NONDISCRIMINATION/HARASSMENT

District programs and activities shall be free from discrimination, including harassment, with respect to ethnic group, religion, gender (including gender identity)[1], sexual orientation, color, race, age, national origin**, genetic information[2],** and physical or mental disability.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 6164.6 - Identification and Education under Section 504)

The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. Eligibility for choral and cheerleading groups shall be determined solely on the basis of objective competencies. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

(cf. 1240 - Volunteer Assistance)
(cf. 6145.2 - Interscholastic Competition)
(cf. 6162.5 - Student Assessment)

The schools may provide males and females with separate shower rooms and sex education classes in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender (including gender identity), race, ethnic group, **genetic information,** or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the District, including on any basis identified in District policies and/or resolutions. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)
(cf. 5145.7 - Sexual Harassment)

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[1]Gender identity is defined as a person's identity, expression, or physical characteristics regardless of whether those characteristics are traditionally associated with one's assigned biological sex at birth. Gender identity refers to the gender the individual experiences.

[2]Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history).

NONDISCRIMINATION/HARASSMENT (continued)

Students who harass other students shall be subject to appropriate counseling and discipline, up to and including expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

The Board affirms the right of all students, staff, and parents/legal guardians to be free from hate crimes, or any hate-inspired activity which degrades an individual including, but not limited to, **color**, race, **age**, religion, ethnicity, culture, heritage, gender (including gender identity)[1] or sexual orientation, **genetic information, and physical or mental disability.** Such acts may cause injury to victims and will not be tolerated in an educational setting. The Board encourages the Superintendent and staff to develop programs which enhance self-esteem, raise awareness and sensitivity, and foster respect and understanding for all individuals and their unique qualities.

The Board recognizes that such hate-inspired threats, physical assaults or damage to property jeopardize the safety and well-being of students and staff. The Board authorizes the staff to discipline students involved in such acts including suspension or recommendation for expulsion as permitted in Board Policy. Nothing in this policy shall be interpreted to prevent students from expressing their views.

(cf. 5144.1 - Suspension Expulsion/Due Process)

Any student who feels that he/she is being harassed should immediately contact the principal or designee. If a situation involving harassment is not promptly remedied by the principal or designee, a complaint can be filed in accordance with administrative regulations. The Superintendent or designee shall determine which complaint procedure is appropriate.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Note: The Code of Regulations, Title 5, Section 4622 requires the district to annually inform students, employees and parents/guardians of the identity of one or more employees designated to ensure compliance with nondiscrimination laws. Federal regulations (34 CFR 104.7 and 106.8) require the district to designate a Section 504 coordinator and a Title IX coordinator, and to notify all students and employees of their name, address and telephone number. See AR 13122.3.

Legal Reference: (see next page)

NONDISCRIMINATION/HARASSMENT (continued)

Legal Reference:

EDUCATION CODE
40 Prohibited sex discrimination
41 School-sponsored athletic programs; prohibited sex discrimination
200-262 Prohibition of discrimination on the basis of sex
220 The California Student Safety and Violence Prevention Act of 2000
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
49020-49023 Athletic programs
51006-51007 Equitable access to technological education programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials
CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor
CODE OF REGULATIONS, TITLE 5
4621 District policies and procedures
4622 Notice requirements
UNITED STATES CODE, TITLE 42
2000d & 2000e et seq. Title VI & VII. Civil Rights Act of 1964 as amended
2000h-2 et seq. Title IX, 1972 Education Act Amendments
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3a Prohibition of discrimination on basis of race, color or national origin
106.8 Designation of responsible employee
106.9 Notification of nondiscrimination on basis of sex