

## 5000 – STUDENTS

### PROHIBITION ON DISCRIMINATION/HARASSMENT/SEXUAL HARASSMENT; PARTICIPATION OF TRANSGENDER PUPILS IN ACADEMIC AND EDUCATIONAL PROGRAMS AND ACTIVITIES

#### ARR 5145.3

The Sacramento County Office of Education (SCOE) prohibits, in any SCOE academic or educational program or activity, unlawful discrimination, harassment, intimidation, or bullying of any pupil as set forth in Board Policy 5145.3.

#### Complaint Process/Grievance Procedure

Any school employee who observes an incident of discrimination, harassment, intimidation, retaliation, or bullying at any school, or school sponsored or school-related activity, shall immediately intervene when safe to do so or take other appropriate action.

Any pupil who believes that he/she has been subjected to discrimination, harassment, intimidation, retaliation or bullying should immediately contact the principal or any other staff member. In addition, any person who observes any such incident should report the incident to the principal. An employee who receives such a complaint shall report it to the principal or the Assistant Superintendent of the designated program.

The principal or Assistant Superintendent will report all complaints to SCOE's Deputy Superintendent, who is SCOE's Compliance Officer for purposes of the Uniform Complaint Procedure. (See ARR 1312.3.) The Compliance Officer is responsible for ensuring SCOE's compliance with state and federal nondiscrimination laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act.

Complaints of discrimination, harassment, intimidation, retaliation or bullying related to school activity or attendance at SCOE's schools, shall be reported, filed, and resolved in accordance with SCOE's Uniform Complaint Procedures (ARR 1312.3).

SCOE prohibits any form of retaliation against any pupil who files a complaint or report, testifies, or otherwise participates in the complaint process for a complaint regarding an incident of discrimination, harassment, intimidation, or bullying.

#### Sexual Harassment

The prohibition against "harassment" shall include the prohibition against sexual harassment of pupils at school or at a school-sponsored or school-related activity. Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of a pupil's academic status or progress.
2. Submission to or rejection of the conduct by a pupil is used as the basis for academic decisions affecting the pupil.
3. The conduct has the purpose or effect of having a negative impact on the pupil's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the pupil is used as the basis for any decision affecting the pupil regarding benefits and services, programs, or activities available at or through any SCOE program or activity. (Ed. Code, § 212.5; Cal. Code Regs., tit. 5, § 4916.)

## Transgender and Gender Variant Pupils

To ensure that transgender and gender variant pupils are afforded the same rights, benefits, and protections provided to all pupils, SCOE shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right To Privacy

SCOE personnel will only disclose a pupil's transgender or gender variant status with the pupil's prior consent, except when the disclosure is otherwise required by law or is warranted to preserve the pupil's physical or mental well-being. Transgender and gender variant pupils have the right to openly discuss and express their gender identity and to decide when, with whom, and how much information to share.

2. Determining a Pupil's Gender Identity

SCOE personnel shall accept the pupil's gender identity assertion unless personnel have a credible basis for believing that the pupil's assertion is for an improper purpose. In such a case, the Superintendent or designee shall document the improper purpose and, within seven school days of receiving notification of the pupil's assertion, shall provide a written response to the pupil and, if appropriate, to the pupil's parents or guardians.

3. Accessibility to Sex-Segregated Facilities, Programs, and Activities

A pupil shall be entitled to access SCOE facilities, including restrooms and locker rooms, and participate in SCOE programs and activities consistent with the pupil's gender identity to the extent allowed by state and federal laws. Activities that may involve the need for accommodations to address pupil privacy concerns will be addressed on a case-by-case basis. A pupil's right to participate in a sex-segregated activity in accordance with the pupil's gender identity shall be consistent with applicable eligibility rules and laws, established for participation in the activity.

#### 4. Pupil Names/Records

A pupil's legal name or gender as entered on the mandatory pupil record required pursuant to Title 5, California Code of Regulations section 432 shall only be changed pursuant to a court order. However, at the written request of a pupil or, if appropriate, a parent or guardian, SCOE shall use the pupil's preferred name and pronouns consistent with the pupil's gender identity to address the pupil and on all other SCOE related documents and to verbally address the pupil.

#### 5. Dress Code

A pupil has the right to dress in a manner consistent with the pupil's gender identity subject to any dress code adopted on a SCOE school site.

### Education and Training

To the extent possible, SCOE schools shall focus on the prevention of discrimination, harassment, intimidation, and bullying by establishing clear rules for pupil conduct and implementing strategies to promote a positive, collaborative school climate.

SCOE shall educate pupils about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice. (Ed. Code, § 234.7.)

SCOE will provide training to teachers and other appropriate school staff to raise their awareness about their legal duty to take reasonable steps to eliminate a hostile environment and prevent discrimination, harassment, intimidation, and bullying of SCOE pupils. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the pupil body and school community, including their varying immigration experiences;
2. Discuss bullying prevention strategies with pupils, and teach pupils to recognize the behavior and characteristics of bullying perpetrators and victims;
3. Identify the signs of bullying or harassing behavior;
4. Take immediate corrective action when bullying is observed; and
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior. (Ed. Code, § 234.7.)

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07/13/18 Distribution

## ARR 5145.3 – ATTACHMENT 1

### PROHIBITION OF DISCRIMINATION/HARASSMENT/SEXUAL HARASSMENT; PARTICIPATION OF TRANSGENDER PUPILS IN SACRAMENTO COUNTY OFFICE OF EDUCATION ACADEMIC AND EDUCATIONAL PROGRAMS

Every pupil is entitled to a safe school environment free from discrimination, harassment, intimidation, and bullying.

The Sacramento County Office of Education's (SCOE) Board Policies prohibiting discrimination, harassment, intimidation and bullying in SCOE's academic and educational programs are available by request, in the Annual Notifications: Parents Rights & Responsibilities and Pupil Behavior Standards handbook, and on the SCOE website.

1. SCOE prohibits, at any school, or school-sponsored or school-related activity, unlawful discrimination, harassment, intimidation, and bullying of any pupil based on the pupil's actual race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, genetic information, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics, and all other circumstances specified in law, as applicable. This prohibition applies to all acts related to school activity or school attendance occurring within a school under SCOE's jurisdiction.
2. School personnel must immediately intervene if they witness an act of discrimination, harassment, intimidation or bullying, provided it is safe to do so or take other appropriate action.
3. Acts of discrimination, harassment, intimidation and bullying should be brought to the attention of the principal.
4. Pupils who violate SCOE's policies prohibiting discrimination, harassment, intimidation or bullying will be subject to discipline up to and including suspension or expulsion.
5. A formal complaint of discrimination, harassment, intimidation or bullying can be made by completing the attached Uniform Complaint Procedures form and returning it the Deputy Superintendent of SCOE, whose contact information is on the complaint form. The identity of the complainant will be kept confidential as appropriate.
6. If a person wishes to appeal the resolution of a complaint, he or she may file an appeal with the State Superintendent of Public Instruction within 15 days of receiving SCOE's final decision on the complaint. An appeal may also be filed if SCOE does not make a decision on the complaint within 60 days.
7. SCOE prohibits retaliation against individuals who make complaints of discrimination, harassment, intimidation or bullying; or who provide information related to such complaints.



## UNIFORM COMPLAINT PROCEDURES FORM (NON-WILLIAMS)\*

Last Name \_\_\_\_\_ First Name/MI \_\_\_\_\_

Pupil Name (if applicable) \_\_\_\_\_

Street Address/Apt. # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Message/Work Phone \_\_\_\_\_

School/Office of Alleged Violation \_\_\_\_\_

You are filing this complaint on behalf of:

- yourself
- your child
- another student
- a group
- other \_\_\_\_\_ (Specify)

\*There is a separate form available for complaints regarding instructional materials, facility conditions, and teacher assignments. A written complaint will not be rejected because the form is not used.

### Section 1

**Please check the box that appropriately refers to your complaint. For complaints regarding discrimination, harassment, intimidation, and bullying, complete Section 2.**

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical Education and Training Programs (State/Federal)
- Child Care and Development
- Civil Rights Guarantees
- Compensatory Education
- Course Periods Without Educational Content

- Every Student Succeeds Act
- Former/Current Juvenile Court School Education
- Foster Youth Education
- Homeless Pupil Education
- Local Control and Accountability Plans
- Military Family Pupil Education
- Migrant Pupil Education
- Newcomer Program
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodation to Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Pupil Achievement
- School Safety Plans
- School Site Councils
- Section 504 of the Rehabilitation Act of 1973
- State Preschool (file with program administrator)
- Other\_\_\_\_\_

## **Section 2**

### **Check if your complaint is regarding:**

- Discrimination
- Harassment
- Intimidation
- Bullying

### **Check below the boxes that reflect the basis of your complaint.**

- Age
- Sex
- Sexual Harassment
- Sexual Orientation
- Gender

- Gender Identity
- Gender Expression
- Genetic Information
- Ethnicity
- Race
- Ancestry
- National Origin
- Immigration Status
- Ethnic Group Identification
- Nationality
- Religion
- Color
- Mental or Physical Disability
- Association with Person/Group with protected characteristics
- Other \_\_\_\_\_

Please explain the nature of your complaint. Please print or type. Give detailed information such as date, times, places, types of complaints, people involved, and if there were any witnesses. Use the reverse of this form or additional sheets, if necessary.

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The Sacramento County Office of Education's Compliance Officer is the Deputy Superintendent, (916) 228-2409, [complianceofficer@scoe.net](mailto:complianceofficer@scoe.net). **Submit or mail the completed form to:**

Deputy Superintendent  
Sacramento County Office of Education

Mailing Address: P.O. Box 269003, Sacramento, CA 95826-9003

Physical Address: 10474 Mather Boulevard, Mather, CA 95655