

5000 – STUDENTS

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

BP 5145.3

The Sacramento County Board of Education (Board) is committed to providing a safe school environment that allows all pupils equal access and opportunities in the Sacramento County Office of Education's (SCOE) academic and other educational support programs, services, and activities. All individuals shall be treated equitably in the receipt of SCOE services. This policy applies to all acts related to school activity or school attendance occurring within SCOE's schools or educational programs and to those acts that occur outside of school activities but may create a hostile environment at school.

The Board 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. As used herein, the prohibition against "harassment" shall include the prohibition against sexual harassment of pupils at school or at a school-sponsored or school-related activity. The term "immigration status" encompasses citizenship status, and includes a prohibition against unlawful discrimination for not providing information regarding a pupil's immigration status, citizenship status, or national origin.

Transgender and gender variant pupils shall be allowed to access SCOE programs and facilities in accordance with their gender identity, irrespective of the gender listed on their pupil records to the extent consistent with federal and state laws, policies of Probation, any court orders, and legal settlements.

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that affects a pupil'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 pupil's academic performance; or otherwise adversely affects a pupil's educational opportunities.

The Board also 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.

SCOE staff shall provide pupils with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

The Sacramento County Superintendent of Schools (Superintendent) or designee shall provide age-appropriate training and/or information to pupils, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the Board's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

Pupils who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline.

When employees and volunteers provide instruction, guidance, supervision, or other services to SCOE pupils and parents/guardians, they shall carefully guard against stereotyping or inappropriately segregating pupils.

SCOE programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act.

Individuals with disabilities and/or parents/guardians shall notify the Superintendent or principal if they have a disability that requires reasonable accommodation. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

Grievance Procedures

SCOE shall investigate and resolve complaints of discrimination, harassment, intimidation, retaliation or bullying related to school activity or attendance at SCOE's schools in accordance with SCOE's Uniform Complaint Procedures. Such complaints and allegations shall be kept confidential except as necessary to carry out the investigation or take other necessary action.

Notice

The Superintendent or designee shall notify pupils, parents/guardians, and applicants for admission about SCOE's nondiscrimination policy. Parents and guardians will be informed of their children's right to free public education, regardless of their immigration status, religious beliefs, or association with any other protected class. This will include dissemination of educational rights information issued by the California Attorney General or other comparable information.

Future publications of the pupil handbook and annual parent notices will clearly describe SCOE's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, retaliation or bullying; and the resources that are available to pupils who believe that they have been the victim of any such behavior. SCOE's policy shall also be posted on SCOE's website or in other locations that are easily accessible to pupils.

The nondiscrimination policy and related informational materials shall be published, when required by law, in a language other than English.

Legal References:

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships
1714.1 Liability of parents/guardians for willful misconduct of minor

EDUCATION CODE

200-262.4 Prohibition of discrimination
48900-48927 Suspension and expulsion
48980 Notice at beginning of term
48950 Freedom of speech
48985 Translation of notices
49020-49023 Athletic programs
51007 Legislative intent: state policy
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials

GOVERNMENT CODE

11000 Definitions
11135 Nondiscrimination in programs or activities funded by the state
11138 Rules and regulations
54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime
422.6 Interference with constitutional right or privilege

TITLE 20, UNITED STATES CODE

1400-1482 Individuals with Disabilities in Education Act
1681-1688 Discrimination based on sex or blindness, Title IX
2301-2415 Carl D. Perkins Vocational and Applied Technology Act
6311 State plans
6312 Local education agency plans

TITLE 29, UNITED STATES CODE

794 Section 504 of the Rehabilitation Act of 1973

TITLE 42, UNITED STATES CODE

1983 Civil action for deprivation of rights
2000d-2000d-7 Title VI, Civil Rights Act of 1964
12101-12213 Americans with Disabilities Act

TITLE 5, CALIFORNIA CODE OF REGULATIONS

4600-4671 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

TITLE 28, CODE OF FEDERAL REGULATIONS

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

TITLE 34, CODE OF FEDERAL REGULATIONS

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.71 Nondiscrimination on the basis of sex in education programs

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