

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a county office of education (COE) school or program, 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, and to all acts of the County Board of Education and the County Superintendent of Schools in enacting policies and procedures that govern the COE.

The COE is committed to providing a welcoming, safe, and supportive school environment that allows all students equal access and opportunities in academic and other educational support programs, services, and activities. Unlawful discrimination against a student in any COE school, program, or activity, including discriminatory harassment, intimidation, and bullying, is prohibited. Any form of retaliation against an individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination is also prohibited.

Unlawful discrimination may result from physical, verbal, nonverbal, or written conduct against a student 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 the student's association with a person or group with one or more of these actual or perceived characteristics. Unlawful discrimination also occurs when the 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 any COE school, program, or activity, or the provision or receipt of educational benefits or services.

Because unlawful discrimination may occur when disciplining students, including suspension and expulsion, discipline shall be enforced in a fair, consistent, and non-discriminatory manner.

In accordance with law, all COE students shall be afforded the same rights, benefits, and protections. When, as permitted by law, the COE maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, students may choose to access facilities and participate in such programs and activities consistent with their gender identity. In addition, students may choose to participate in accordance with their gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. (Education Code 221.5)

Complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, or retaliation may be filed in accordance with the COE's uniform complaint procedures (UCP) pursuant to BP 1312.3 - Uniform Complaint Procedures. For complaints of sexual harassment, it is the responsibility of the COE's Title IX Coordinator to determine whether the complaint should be addressed through UCP or, if the alleged conduct meets the federal definition of sexual harassment pursuant to 34 CFR 106.30, the complaint procedures established in 34 CFR 106.44-106.45. 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 shall be taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, or bullying, or retaliation in violation of law or COE policy or procedures 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.

#### Antidiscrimination Measures

The County Board hereby incorporates by reference the policies, procedures, and measures implemented by the County Superintendent to prevent or address unlawful discrimination in COE schools, programs, and activities. COE nondiscrimination policies and practices shall be reviewed regularly, and action shall be taken to remove any identified barriers to student access to or participation in the educational program.

<b>Federal</b>	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.107	Designation of responsible employee and adoption of grievance procedures
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 and adoption of grievance procedures
34 CFR 106.30	Discrimination on the basis of sex; definitions

34 CFR 106.44-106.45	Grievance process for formal complaints of sexual harassment
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

<b>Management Resources</b>	<b>Description</b>
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, 4/April 2018 ( <a href="https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf">https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf</a> )
Court Decision	Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
CSBA Publication	Legal Guidance-on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022 ( <a href="https://www.csba.org/-/media/CSBA/Files/Advocacy/LegalAdvocacy/Legal-Guidance-Transgender-Legal-10-2022.ashx?la=en&amp;rev=a3fb600ee6d640598c038dfceaf871c">https://www.csba.org/-/media/CSBA/Files/Advocacy/LegalAdvocacy/Legal-Guidance-Transgender-Legal-10-2022.ashx?la=en&amp;rev=a3fb600ee6d640598c038dfceaf871c</a> )
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 ( <a href="https://www.cde.ca.gov/ds/sp/cl/calpadsupdf158.asp">https://www.cde.ca.gov/ds/sp/cl/calpadsupdf158.asp</a> )
U.S. DOE, Office for Civil Rights Publication	Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022 ( <a href="https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf">https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf</a> )
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 Orientation and Gender Identity in Light of Bostock v. Clayton County, June 2021 ( <a href="https://www2.ed.gov/about/offices/list/ocr/docs/202106-titleix-noi.pdf?_cldee=YmxhaWZtYW5AY3NiYS5vcmc%3d&amp;recipientid=contact-a1fe1b1b458fe61180ef005056b02a09-2649c94bee724cf58c51a008ab8c6b92&amp;esid=a7f7c74b-7cd3-eb11-8145-005056b02a09">https://www2.ed.gov/about/offices/list/ocr/docs/202106-titleix-noi.pdf?_cldee=YmxhaWZtYW5AY3NiYS5vcmc%3d&amp;recipientid=contact-a1fe1b1b458fe61180ef005056b02a09-2649c94bee724cf58c51a008ab8c6b92&amp;esid=a7f7c74b-7cd3-eb11-8145-005056b02a09</a> )
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 ( <a href="https://www2.ed.gov/about/offices/list/ocr/docs/lgbtqi-student-resources-toolkit-062023.pdf">https://www2.ed.gov/about/offices/list/ocr/docs/lgbtqi-student-resources-toolkit-062023.pdf</a> )
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, July 2022 ( <a href="https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf">https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf</a> )

U.S. DOE, Office for Civil Rights and U.S. DOJ, Civil Rights Division Publication	Resource on Confronting Racial Discrimination in Student Discipline, May 2023 ( <a href="https://www2.ed.gov/about/offices/list/ocr/docs/tvi-student-discipline-resource-202305.pdf">https://www2.ed.gov/about/offices/list/ocr/docs/tvi-student-discipline-resource-202305.pdf</a> )
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	Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023 ( <a href="https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf?utm_content=&amp;utm_medium=email&amp;utm_name=&amp;utm_source=govdelivery&amp;utm_term=">https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf?utm_content=&amp;utm_medium=email&amp;utm_name=&amp;utm_source=govdelivery&amp;utm_term=</a> )
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  ( <a href="https://www.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf">https://www.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf</a> )
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 ( <a href="https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-vi/index.html">https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-vi/index.html</a> )
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: Race and School Programming, August 2023 ( <a href="https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20230824.pdf">https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20230824.pdf</a> )
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010 ( <a href="https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf">https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf</a> )
Website	U.S. Department of Justice, Civil Rights Division
Website	U.S. Department of Education, Office for Civil Rights
Website	First Amendment Center
Website	CSBA

Website	California Safe Schools Coalition
Website	California Office of the Attorney General

Website	California Department of Education
<b>State</b>	<b>Description</b>
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	Liability of parent or guardian for act of willful misconduct by a minor
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex
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	Students' exercise of free expression; rules and regulations
Ed. Code 48950	Freedom of 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	Unlawful discrimination
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment

<b>Code</b>	<b>Description</b>
0410	Nondiscrimination In County Office Programs And Activities
1312.3	Uniform Complaint Procedures

1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures

1312.3-E(3)	Uniform Complaint Procedures
<u>1312.4</u>	<u>Williams Uniform Complaint Procedures</u>
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
5111	Admission
5111	Admission
5131.2	Bullying
5131.2	Bullying
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.7-E(1)	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.71-E(2)	Title IX Sexual Harassment Complaint Procedures
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth