

TUSTIN UNIFIED SCHOOL DISTRICT

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Nondiscrimination/Harassment

The Board of Education desires to provide a safe school environment that allows all students equal access 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, intimidation, and bullying, targeted at any student by anyone, based on the student's actual race or perceived race, color, ancestry, national origin, nationality, immigration status, ethnicity, ethnic group identification, age, religion, marital status, parental status, pregnancy, 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.

This policy shall apply to all acts related to school activity or to school attendance occurring within a District school, 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.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also shall include the creation of a hostile environment 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 school programs or activities or the provision or receipt of educational benefits or services.

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/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 or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. The Superintendent/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

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school community's understanding of the requirements of law related to discrimination. The Superintendent/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. He/she shall report his/her findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or 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.

Record-Keeping

The Superintendent 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.

Legal Reference:

Education Code

200-262.4 Prohibition of discrimination
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
48985 Translation of notices
49020-49023 Athletic programs
49060-49079 Student Records
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

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Government Code

11135 Nondiscrimination in programs or activities funded by state

Penal Code

422.55 Definition of hate crime

422.6 Crimes, harassment

Code of Regulations, Title 5

432 Student record

4600-4670 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

United States Code, Title 20

1681-1688 Title IX of the Education Amendments of 1972

United States Code, Title 29

794 Section 504 of Rehabilitation Act of 1973

United States Code, Title 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

Code of Federal Regulations, Title 34

99.31 Disclosure of personally identifiable information

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Prohibition of discrimination based on age

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against

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Sex Discrimination, March 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

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

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Resolution Agreement Between the Arcadia Unified School District, U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, (2013) OCR 09-12-1020, DOJ 169-12C-70

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, Fact Sheet, August 2010

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2003

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Office of the Attorney General: <http://oag.ca.gov>

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Date

Adopted: 07/08/13

Revised and Adopted: 07/14/14

Revised and Adopted: 08/24/15

Revised and Adopted: 10/10/16

Revised and Adopted: 08/20/18

Revised and Adopted: 07/29/19

Revised and Adopted: 06/08/20

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NONDISCRIMINATION/HARASSMENT

The District designates the individual(s) identified below as the employee(s) responsible for coordinating the District's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the District's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, 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, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status; or association with a person or group with one or more of these actual or perceived characteristics.

The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

District Lead Compliance Officer:

Stephanie Yang, Director, Educational Services
Tustin Unified School District
300 South C Street
Tustin, CA 92780
(714) 730-7301 Ext. 323 or 368
syang@tustin.k12.ca.us

School Compliance Officers – Elementary Schools:

Katy Sheyka, Principal
Arroyo Elementary School
11112 Coronel Rd.
Santa Ana, CA 92705
(714) 730-7381
ksheyka@tustin.k12.ca.us

Lauren Steinmann, Principal
Loma Vista Elementary School
13822 Prospect Ave.
Santa Ana, CA 92705
(714) 730-7528
lsteinmann@tustin.k12.ca.us

Jackie Christy, Principal
Benson Elementary School
12712 Elizabeth Way
Tustin, CA 92780
(714) 730-7531
jchristy@tustin.k12.ca.us

Rena Fairchild, Principal
Myford Elementary School
3181 Trevino Dr.
Irvine, CA 92602
(714) 734-1875
rfairchild@tustin.k12.ca.us

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Beswick Elementary School
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Dustin O'Malley, Principal
Ladera Elementary School
2515 Rawlings Way
Tustin, CA 92782
(714)730-7505
domalley@tustin.k12.ca.us

Amanda Heineman, Principal
Estock Elementary School
14741 North B Street
Tustin, CA 92780
(714)730-7390
aheineman@tustin.k12.ca.us

Shannon James-Olsen, Principal
Nelson Elementary School
14392 Browning Ave.
Tustin, CA 92780
(714) 730-7536
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Ray Hernandez, Principal
Guin Foss Elementary School
18492 Vanderlip Ave.
Santa Ana, CA 92705
(714)730-7552
rhernandez@tustin.k12.ca.us

Kristi Andre, Principal
Peters Canyon Elementary School
26900 Peters Canyon Rd.
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(714)730-7540
kandre@tustin.k12.ca.us

Deanna Parks, Principal
Heideman Elementary School
15571 Williams St.
Tustin, CA 92780
(714)730-7521
dparks@tustin.k12.ca.us

Sean Lindsay, Principal
Red Hill Elementary School
11911 Red Hill Ave.
Santa Ana, CA 92705
(714)730-7543
slindsay@tustin.k12.ca.us

Beth Blackman, Principal
Heritage Elementary School
15400 Lansdowne Rd.
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ebblackman@tustin.k12.ca.us

Brooke Carreras, Principal
Tustin Memorial Academy
12712 Browning Ave.
Santa Ana, CA 92705
(714)730-7546
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Deena Vela, Principal
Hicks Canyon Elementary School
3817 Viewpark Ave.
Irvine, CA 92602
(714)734-1878
dvela@tustin.k12.ca.us

Kathi Denny, Principal
Tustin Ranch Elementary School
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School Compliance Officers – Middle Schools and K – 8 Schools:

Maggie Burdette, Principal
Columbus Tustin Middle School
17952 Beneta Way
Tustin, CA 92780
(714)730-7352
mburdette@tustin.k12.ca.us

Mindy Smith, Principal
Orchard Hills School
11555 Culver Dr.
Irvine, CA 92602
(714) 430-2078
msmith@tustin.k12.ca.us

Rafael Plascencia, Principal
Sycamore Magnet Academy
1402 Sycamore Ave.
Tustin, CA 92780
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rplascencia@tustin.k12.ca.us

Tracey Vander Hayden, Principal
Pioneer Middle School
2700 Pioneer Road
Tustin, CA 92782
(714) 730-7534
tvanderhayden@tustin.k12.ca.us

Eric Kilian, Principal
Hewes Middle School
13232 Hewes Ave.
Santa Ana, CA 92705
(714) 730-7348
ekilian@tustin.k12.ca.us

Heather Bojorquez, Principal
Utt Middle School
13601 Browning Ave.
Tustin, CA 92780
(714) 730-7573
hbojorquez@tustin.k12.ca.us

School Compliance Officers – High Schools and 6-12 Schools

Donnie Rafter, Principal
Beckman High School
3588 Bryan Ave.
Irvine, CA 92602
(714) 734-2900
drafter@tustin.k12.ca.us

Tim O'Donoghue, Principal
Hillview High School
1701 San Juan St.
Tustin, CA 92780
(714) 730-7356
todonoghue@tustin.k12.ca.us

Michelle England, Principal
Foothill High School
19251 Dodge Ave.
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(714) 730-7464
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Jon Tuin, Principal
Tustin High School
1171 El Camino Real
Tustin, CA 92780
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jtuin@tustin.k12.ca.us

School Compliance Officers – Alternative Schools, Adult School, and School Readiness Programs

Erick Fineberg, Principal
Tustin Connect K- 8
14741 North B Street

Erick Fineberg, Principal
Tustin Connect High School
1151 San Juan St.

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William Nedderson, Coordinator
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Lauralee Cabibi, Principal
School Readiness Programs
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Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying of students at District schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent/ or designee shall implement the following measures:

1. Publicize the District's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through District-supported communications.
2. Post the District's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6, as prominent forums for social media, in a prominent location on the District's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)
3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the District's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)
4. Post in a prominent location on the District web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)
 - a. The name and contact information of the District's Title IX coordinator, including the phone number and email address.
 - b. The rights of students and the public and the responsibilities of the District under Title

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- IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR).
- c. A description of how to file a complaint of noncompliance under Title IX in accordance with AR 1312.3 - Uniform Complaint Procedures, which shall include:
- (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations.
 - (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site.
 - (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office.
- a. A link to the Title IX information included on the California Department of Education's (CDE) web site.
5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the District's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)
 6. Provide to students a handbook that contains age-appropriate information that clearly describes the District's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that have been the victim of any such behavior.
 7. Annually notify all students and parents/guardians of the District's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the District's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the District will address any individual student's interests and concerns in private.
 8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the District's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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If 15 percent or more of students enrolled in a particular District school speak a single primary language other than English, the District's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the District shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the District's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the District may use to provide a discrimination-free environment for all District students, including transgender and gender-nonconforming students.
10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
11. At the beginning of each school year, inform each principal or designee of the District's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond.
3. Disseminating and/or summarizing the District's policy and regulation regarding unlawful discrimination.
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment.
5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of District policy, including any student who

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is found to have filed a complaint of discrimination that the student knew was not true.

Process for Initiating and Responding to Complaints

Students who feels that they have been subjected to unlawful discrimination described above or in District policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall immediately report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance office, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the person's assigned sex at birth. (Education Code 210.7)

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Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

The District prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature.

- Examples of types of conduct which are prohibited in the District and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity.
2. Disciplining or disparaging a student or excluding the student from participating in activities for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable.
3. Blocking a student's entry to the bathroom that corresponds to the student's gender identity.
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex.
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent.
6. Use of gender-specific slurs.
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression.

The District's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the District of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

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To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the District shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. **Right to privacy:** A student's transgender or gender-nonconforming status is the student's private information and the District shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or the District has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the District shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the District pursuant to 34 CFR 99.3. Any District employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a District employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the District's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The District shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless District personnel present a credible basis for believing that the student's assertion is for an improper purpose.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to education programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively,

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if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When the District maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the District shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the District shall not require a student to utilize these options because the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.
5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, the District shall update the student's records. (Education Code 49062.5, 49070)
6. **Names and Pronouns:** If a student so chooses, District personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official District record. However, inadvertent slips or honest mistakes by District personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying District policy.
7. **Uniforms/Dress Code:** A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

Date

Effective: 07/14/2014

Revised: 08/24/2015

Revised: 08/22/2016

Revised: 10/10/2016

TUSTIN UNIFIED SCHOOL DISTRICT

STUDENTS

REGULATION

5145.3

Revised: 06/06/2017

Revised: 08/29/2017

Revised: 01/11/2018

Revised: 08/23/2018

Revised: 07/30/2019

Revised: 06/18/2020



Tustin Unified School District
UNIFORM COMPLAINT FORM

APPENDIX A
1312.3

DATE: _____
Name(s) _____
Address _____ Zip Code _____
Telephone (Home) _____ Other _____
School: _____

TYPE OF UNIFORM COMPLAINT (Please check below):

1. _____ A violation of federal or state law or regulation governing the following program(s):

- Adult Education (Ed. Code Sections 8500-8538 and 52500-52616.5)
- After School Education and Safety
- Career Technical Education (Ed. Code Sections 52300 – 52490)
- Child Care and Development (Ed. Code Sections 8200-8493)
- Compensatory Education Programs (Ed. Code Sections 54400 – 54425)
- Consolidated Categorical Aid / School Plan for Student Achievement (Ed. Code Sections 64000-64001)
- Course Periods without Educational Content (Ed. Code Sections 51225.1 – 51225.2)
- Every Student Succeeds Act (ESSA)
- Foster Youth (Ed. Code Sections 48853, 48853.5, 49069.5, 51225.1, 51225.2)
- Homeless Students (Ed. Code Sections 51225.1 and 51225.2)
- Local Control and Accountability Plan (Ed. Code Sections 52060-52077)
- Migrant Education (Ed. Code Sections 54440-54445)
- Military Family Students Education (Ed. Code Section 49701)
- Physical Education, Elementary Schools (Ed. Code Section 51223)
- Regional Occupational Programs
- School Safety Planning (20 U.S.C. Section 7114(d)(7))
- School Site Council (Ed. Code 65000-65001)
- Vocational Education (Ed. Code Sections 52300-52480)

2. _____ Discrimination, harassment (including sexual harassment), intimidation, or bullying against any protected group based on the person’s actual or perceived characteristics of:

- | | |
|--|--|
| <input type="checkbox"/> Race or ethnicity | <input type="checkbox"/> Marital or parental status |
| <input type="checkbox"/> Color | <input type="checkbox"/> Medical condition |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Physical or mental disability |
| <input type="checkbox"/> Nationality | <input type="checkbox"/> Sex |
| <input type="checkbox"/> National origin | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Ethnic group identification | <input type="checkbox"/> Gender |
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender identity |
| <input type="checkbox"/> Genetic Information | <input type="checkbox"/> Gender expression |
| <input type="checkbox"/> Religion | |

- Association of a person or group with one or more of these actual or perceived characteristics
- Please check if this is a complaint concerning **sexual harassment**.
- Please check if this is a complaint concerning **bullying**.

- 3. ____ Reasonable accommodations to a lactating student (Ed. Code 222).
- 4. ____ Assignment to a course without educational content (Ed. Code 51228.3)
- 5. ____ Pupil Fees (Ed. Code 49011)
- 6. ____ Retaliation against a complainant or other participant in the complaint process

NATURE OF COMPLAINT. (This should be a description in your own words of the grounds of your complaint, including names of individuals involved, dates, events, locations, and witnesses necessary for a complete understanding of your complaint.)

Attach additional sheets, if necessary):

What steps, if any, have you taken to **resolve** this issue before filing a complaint?

Has the complaint been **discussed** with the employee and/or immediate supervisor named in the complaint (if applicable)? Yes No

If so, with whom have you spoken? _____ Date: _____

What was the **result** of the discussion?

What **solution or remedy** are you seeking?

I understand that the District may request further information about this matter, and if such information is available, I agree to present it upon request. I also understand that a copy of this complaint may be given to the employee or supervisor against whom the complaint is made (if applicable). I acknowledge that the District prohibits retaliation or harassment against any individual or the child of a parent who submits a complaint.

Signature of Person Filing Complaint

Date

For Uniform Complaints regarding **student-to-student sexual harassment or bullying**, please return this form to the **School Principal**.

For all other Uniform Complaints, please return this form to:

Director, Educational Services
Tustin Unified School District
300 South C Street
Tustin, CA 92780

=====

FOR OFFICE USE ONLY:

Received by: _____ Date Filed: _____

Title: _____

Effective: 07/27/20