

Regulation 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 10/11/2016 | **Last Revised Date:** 11/12/2024 | **Last Reviewed Date:** 11/12/2024

The district designates the individual(s) identified below as the Compliance Officer(s). The employee(s) is responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the Title IX Coordinator specified in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment as the responsible employee to handle complaints alleging unlawful sex discrimination and sex-based harassment, as permitted by law. The Compliance Officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Uniform Complaint Procedure Officer & Equity Compliance Officer
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Title IX Coordinator - Complaints Against Employees
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Title IX Coordinator - Complaints Against Students
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Title II & V Compliance Officer
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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 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 sex-based 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 possible forums for social media, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.1, 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 website 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 website 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; sex characteristics; sexual orientation; gender; gender identity; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and parental, marital, and family 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 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 websites 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, which shall include:
 - i. 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
 - ii. 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 OCR's website
 - iii. 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
 - d. A link to the Title IX information is included on the California Department of Education's (CDE) website
5. By April 1, 2025, post CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the district (Education Code 33353)
6. Post in a prominent location on the district's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: (34 CFR 106.8)
 - a. The district does not discriminate on the basis of sex in any education program or activity that it operates
 - b. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or OCR

- c. The name or title, office and email address, and telephone number of the district's Title IX Coordinator
- d. How to locate the district's nondiscrimination policy and the district's grievance procedures for Title IX complaints
- e. How to report conduct that may constitute sex discrimination under Title IX
- f. How to make a complaint of Title IX sex discrimination

If necessary due to the format or size of any publication specified above, the district may include only the statement that the district prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on the district's website.

The district shall not distribute a publication stating that the district treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.

7. 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 (Education Code 234.5)

Such resources shall be posted in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

8. 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 they have been the victim of any such behavior
9. 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

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.

10. 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

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.

11. 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.

12. Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics in Penal Code 422.55, including immigration status; Education Code 220; and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics (Education Code 234.1)
13. For the 2025-2026 school year through the 2029-2030 school year, provide annually to certificated employees serving students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3
14. 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)
15. 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

Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the Compliance Officer, Title IX Coordinator, 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, Title IX Coordinator, or principal, regardless of whether 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 report the incident to the Compliance Officer, Title IX Coordinator, or principal within one workday, regardless of whether 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 report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal, Compliance Officer, or Title IX Coordinator, the principal, Compliance officer, or Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with Administrative Regulation 1312.3 - Uniform Complaint Procedures or, for complaints of sex discrimination, including sex-based harassment, the right to initiate the Title IX grievance procedures as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. Once notified verbally or in writing, the Compliance Officer or Title IX Coordinator 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 Officer, Title IX Coordinator, 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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

| State | Description |
|----------------------|--|
| 5 CCR 432 | Student records |
| 5 CCR 4600-4670 | Uniform complaint procedures |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance |
| Civ. Code 1714.1 | Liability of parent or guardian for act of willful misconduct by a minor |
| Ed. Code 17585 | School modernization project; all-gender restroom |
| Ed. Code 200-270 | Prohibition of discrimination |
| Ed. Code 33353 | California Interscholastic Federation; standardized incident form |
| Ed. Code 35292.5 | School restrooms; all-gender restrooms |
| Ed. Code 48900.3 | Suspension or expulsion for act of hate violence |
| Ed. Code 48900.4 | Suspension or expulsion for harassment, threats, or intimidation |
| Ed. Code 48900.5 | Suspension; other means of correction |
| Ed. Code 48904 | Liability of parent/guardian for willful student misconduct |
| Ed. Code 48907 | Exercise of free expression; time, place, and manner rules and regulations |
| Ed. Code 48950 | 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 | Prohibition of discrimination |
| Pen. Code 422.55 | Definition of hate crime |
| Pen. Code 422.6 | Crimes; harassment |
| Federal | Description |
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 28 CFR 35.107 | Nondiscrimination on basis of disability; complaints |
| 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 | Section 504; Designation of responsible employee and adoption of grievances procedures |
| 34 CFR 104.8 | Notice of Nondiscrimination on the Basis of Handicap |
| 34 CFR 106.1-106.82 | Discrimination on the basis of sex; effectuating Title IX |
| 34 CFR 106.30 | Discrimination on the basis of sex; definitions |
| 34 CFR 110.25 | Prohibition of discrimination based on age |
| 34 CFR 99.31 | Disclosure of personally identifiable information |

Federal

42 USC 12101-12213
 42 USC 2000d-2000e-17
 42 USC 2000h-2-2000h-6
 42 USC 6101-6107

Description

[Americans with Disabilities Act](#)
 Title VI and Title VII Civil Rights Act of 1964, as amended
 Title IX of the Civil Rights Act of 1964
[Age Discrimination Act of 1975](#)

Management Resources

CA Office of the Attorney General Publication
 CA Office of the Attorney General Publication
 California Department of Education Publication
 Court Decision
 Court Decision
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 Federal Register
 U.S. DOE, Office for Civil Rights Publication
 U.S. Department of Education Publication
 U.S. Dept. of Health & Human Services Publication
 U.S. DOE & U.S. DOJ Civil Rights Divisions Pub
 U.S. DOE, Office for Civil Rights Publication
 U.S. DOE, Office for Civil Rights Publication
 U.S. DOE, Office for Civil Rights Publication
 U.S. DOE, Office for Civil Rights Publication
 U.S. DOE, Office for Civil Rights Publication

Description

[Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024](#)
[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, December 2024](#)
 California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019
 Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
 Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
[Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024](#)
[Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024](#)
[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024](#)
[Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022](#)
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)
[Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD \(2013\) OCR 09-12-1020, DOJ 169-12C-70](#)
[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)
[Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2013](#)
[Resource on Confronting Racial Discrimination in Student Discipline, May 2023](#)
[Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024](#)
[Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023](#)
[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](#)
[Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023](#)
[U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQ+ Students, June 2023](#)

Management Resources

U.S. DOE, Office for Civil Rights Publication
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[Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022](#)
[Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973](#)
[Dear Colleague Letter: Race and School Programming, August 2023](#)
[CSBA District and County Office of Education Legal Services](#)
[First Amendment Center](#)
[California Interscholastic Federation](#)
[California Office of the Attorney General](#)
[California Safe Schools Coalition](#)
[CSBA](#)
[California Department of Education](#)
[U.S. Department of Education, Office for Civil Rights](#)

Cross References

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| 5125.1 | Release Of Directory Information |
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| 5131.5 | Vandalism And Graffiti |
| 5132 | Dress And Grooming |
| 5132 | Dress And Grooming |
| 5141.22 | Infectious Diseases |
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| 5144 | Discipline |
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| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5145.12 | Search And Seizure |
| 5145.13 | Response To Immigration Enforcement |
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| 5145.2 | Freedom Of Speech/Expression |
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| 5145.6 | Parent/Guardian Notifications |
| 5145.7 | Sex Discrimination and Sex-Based Harassment |
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| 5145.71 | Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures |
| 5145.71-E PDF(1) | Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures |
| 5145.9 | Hate-Motivated Behavior |
| 5146 | Married/Pregnant/Parenting Students |
| 6143 | Courses Of Study |
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| 6144 | Controversial Issues |
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| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |

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