

Nondiscrimination/Harassment

Adopted: 05/15/2001 | **Last Revised:** 03/10/2026 | **Last Reviewed:** 03/10/2026

Nondiscrimination in District Programs and Activities

The Board of Education desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to district activity or attendance to acts which occur off campus or outside of district-related or district-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Board and the Superintendent in enacting policies and procedures that govern the district.

The Board prohibits, at any district school or activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, against an individual or group based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to: race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy; false pregnancy; childbirth; termination of pregnancy; or related conditions or recovery; and parental, marital, and family status; a 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.

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 occurs when 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.

Because unlawful discrimination could occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently and in a non-discriminatory manner, as specified in Board Policy and Rule 5144 – Discipline, Board Policy and Rule 5144.1 – Suspension and Expulsion/Due Process, and Rule 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities).

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, participates, or refuses to participate 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 or 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 Board rule.

The Superintendent or 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 understanding of the requirements of law related to discrimination. The Superintendent or 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. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

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 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 rule 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 related to a district activity, attendance, or district-sponsored activity, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

When a student has been suspended, or other means of correction have been implemented against the student for an incident of racist bullying, harassment, or intimidation, the principal or designee may engage both the victim and perpetrator in a restorative practice suitable to the needs of the students. The principal or designee may also require the perpetrator to engage in a program that combats racism and ignorance and regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues.

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

Complaints alleging unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy 1312.3 – Uniform Complaint Procedures, when required by law. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in Board Rule 5145.71 – Title IX Sexual Harassment Complaint Procedures.

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.

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 Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:**STATE**CODE OF REGULATIONS

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

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

EDUCATION CODE

17585 School modernization project; all-gender restroom

200-262.4 Prohibition of discrimination

33353 California Interscholastic Federation; standardized incident form

35292.5 School restrooms; all-gender restrooms

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for harassment, threats, or intimidation

48900.5 Suspension; other means of correction

48904 Liability of parent/guardian for willful student misconduct

48907 Exercise of free expression; time, place, and manner rules and regulations

48950 Speech and other communication

48985 Notices to parents in language other than English

49020-49023 Athletic programs

49060-49079 Student records

51204.5 Social sciences instruction; contributions of specified groups

51500 Prohibited instruction or activity

51501 Nondiscriminatory subject matter

60010 Instructional materials; definition

60040-60052 Requirements for instructional materials

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12926 Prohibition of discrimination; definitions

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

FEDERALUNITED STATES CODE

20 USC 1681-1688 Title IX of the Education Amendments of 1972

29 USC 794 Rehabilitation Act of 1973; Section 504

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

CODE OF FEDERAL REGULATIONS

28 CFR 35.107 Nondiscrimination on basis of disability; complaints

34 CFR 99.31 Disclosure of personally identifiable information

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 for Title IX

34 CFR 106.9 Notification of nondiscrimination on basis of sex

34 CFR 110.25 Prohibition of discrimination based on age

34 CFR 106.30 Discrimination on the basis of sex; definitions

MANAGEMENT RESOURCES:

CA OFFICE OF THE ATTORNEY GENERAL PUBLICATION

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, April 2018

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

COURT DECISIONS

Burlington Northern and Santa Fe Ry.Co.v.White (2006) 548 U.S. 53

Tennessee v. Cardona (2024) 737 F.Supp.3d 510

Student for Fair Admissions v.Harvard (2024) 600 U.S. 181

Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581

McDonnell Douglas Corp v. Green (1973) 411 U.S. 792

John T. D. v. River Delta joint Unified School District (2021) WL 5176356

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

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

CSBA PUBLICATIONS

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

FEDERAL REGISTER

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

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

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 LGBTQI+ Students, June 2023

Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022

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

U.S. DEPARTMENT OF EDUCATION PUBLICATION

Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023

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

U.S. DOE & U.S. DOJ CIVIL RIGHTS DIVISIONS PUBLICATION

Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023

U.S. DOE, Office for Civil Rights Publication

WEBSITES

CSBA District and County Office of Education Legal Services <https://legalservices.csba.org/>

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

California Interscholastic Federation <http://www.cifstate.org/>

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

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

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

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

U.S. Department of Education, Office for Civil Rights <http://www2.ed.gov/ocr>

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