

**NONDISCRIMINATION/HARASSMENT OF STUDENTS**

The Board of Education 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 Districts nondiscrimination policies. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

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At the direction of the compliance officer, additional District administrators may assist in investigations within their area of expertise.

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, harassment (including sexual or discriminatory), 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 on the District's website and other prominent locations.
2. Post in a prominent and conspicuous location on the District and school websites 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 221.61)
  - a. The name and contact information of the District's Title IX coordinator, including the phone number and email address

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- 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 website of the Office for Equal Opportunities and the U.S. Department of Education's Office for Civil Rights (OCR)
  - c. A description of how to file a complaint of noncompliance with Title IX in accordance with AR 1312.3 - Uniform Complaint Procedures, which shall include:
- 3. Provide to students a handbook that contains age-appropriate information that clearly describes the District's nondiscrimination policy, procedures for filing a complaint. (Education Code 234.1)
  - 4. 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.

(cf. 5145.6 - Parental Notification)

- 5. The Superintendent or designee shall 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.

- 6. Provide to students, employees, and parents/guardians 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; information shall include guidelines the District may use to provide a discrimination-free environment for all District students, including transgender and gender-nonconforming students.
- 7. 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)

## **NONDISCRIMINATION/HARASSMENT OF STUDENTS (cont.)**

8. 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 Board Policy 5145.3 – Nondiscrimination/Harassment of Students. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing information to students, staff, and parents/guardians about unlawful discrimination, how to report it or file a complaint

3. Disseminating and/or summarizing the District's policy and regulation regarding unlawful discrimination

4. Consistency with the laws regarding the confidentiality of student records, communicating the school's response to students, parents/guardians, and the community

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against students and anyone determined to have engaged in wrongdoing in violation of District policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

### **Process for Initiating and Responding to Complaints**

Any student who feels that he/she has been subjected to unlawful discrimination described above or in District policy is strongly encouraged to immediately contact the principal, any other staff member, or compliance officer. In addition, any student who observes any such incident is strongly encouraged to report the incident to the principal, any other staff member, compliance officer, or designee, whether or not the alleged victim files a complaint.

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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 principal, compliance officer, or designee, 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, or designee, he/she shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to Administrative Regulation 5145.7 – Sexual Harassment. Once notified verbally or in writing, the principal or compliance officer, or designee, 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, designee, 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.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

**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 of his/her gender, 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 student's assigned sex at birth. (Education Code 210.7)

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.

**NONDISCRIMINATION/HARASSMENT OF STUDENTS (cont.)**

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 he/she was assigned at birth.

Regardless of whether they are sexual in nature, 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 are prohibited.

Administrative Regulation 5145.7 shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

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:

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 his/her 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.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

1. Determining a student's gender identity: the compliance officer shall accept the student's assertion of his/her gender identity and begin to treat the student consistent with his/her gender identity unless District personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
2. Addressing a student's transition needs: the compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify and develop strategies for ensuring that the student's access to education programs and activities is maintained. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it.

**NONDISCRIMINATION/HARASSMENT OF STUDENTS (cont.)**

3. 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, access to a staff member's office, 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 he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her 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 his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

4. 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 pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the District shall use the student's preferred name and pronouns consistent with his/her gender identity on all other District-related documents. Such preferred name may be added to the student's record and official documents as permitted by law.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

5. The District shall not provide or otherwise carry out any of its extracurricular or activities separately, or require or refuse participation therein by any of its pupils on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. (5 CCR Section 4925)

All pupil clubs shall have equal access to District facilities to conduct a meeting and a fair opportunity to meet within the limited open forum of the District, if the District has a limited open forum. (5 CCR Section 4927)

**NONDISCRIMINATION/HARASSMENT OF STUDENTS (cont.)**

Membership in student clubs must be open to all pupils regardless of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. (5 CCR Section 4926)

**Chino Valley Unified School District**

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