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, 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.

The COE is committed to providing a safe school environment that allows all students equal access to 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.

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 student's assigned sex at birth. (Education Code 210.7)

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, such as prohibiting a student from enrolling in a class or course on the basis of the student's sex.

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. Each student's gender identity shall be the gender asserted by the student. Transgender and gender-nonconforming students shall be afforded the same rights, benefits, and protections as all COE students.

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 COE to prevent or address unlawful discrimination in COE schools, programs, and activities, including, but not limited to, the following:

1. Designation of a coordinator/compliance officer to handle complaints alleging unlawful discrimination

2. Publicizing of the COE's nondiscrimination policies and complaint procedures

3. Posting of the COE'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 possible forums for social media, in a prominent location on the COEs web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
4. Posting of 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 COE's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

5. Posting of information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status as required pursuant to Education Code 221.61, and a link to the Title IX information included on the California Department of Education's (CDE) web site, in a prominent location on the COE's web site in a manner that is easily accessible to parents/guardians and students (Education Code 221.6, 221.61, 234.6)

6. Posting of 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 COE's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)

7. Provision of training and information about the COE's nondiscrimination policies and complaint procedures, including information related to state and federal laws pertaining to the rights of transgender and gender-nonconforming students, to students, parents/guardians, COE employees, and others as applicable

8. Establishment of a complaint process that ensures a prompt and fair resolution of complaints

9. Provision of annual notification required by law

10. Maintenance of student records in accordance with law

When a former student presents government-issued documentation of a name and/or gender change, the student's records shall be updated accordingly. (Education Code 49062.5)

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Section 504 of the Rehabilitation Act of 1973
Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
CSBA Publication
Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017
First Amendment Center Publication
Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006
U.S. Dept of Ed 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
U.S. Dept of Health & Human Services Publication
U.S. DOE, Office for Civil Rights Publication
Notice of Non-Discrimination, Fact Sheet, August 2010
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication
Dear Colleague Letter: Harassment and Bullying, October 2010
Website
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California Safe Schools Coalition
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Ed. Code 49060-49079      Student records
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Ed. Code 51500           Prohibited instruction or activity
Ed. Code 51501           Prohibited means of instruction
Ed. Code 60044           Prohibited instructional materials
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Pen. Code 422.55         Definition of hate crime
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