

BOARD POLICY
Placentia-Yorba Linda Unified School District

Students

5145.3 – BP

NONDISCRIMINATION/HARASSMENT

The Board of Education of the Placentia-Yorba Linda Unified School District is committed to providing a safe 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. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and/or bullying targeted at any student by anyone, based on the student's race, color, ancestry, nationality, national origin, ethnic group identification, ethnicity, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, genetic information, or immigration status; the 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.

This policy shall apply to all acts constituting unlawful discrimination or harassment 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 which have a significantly adverse impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

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 includes the creation of a hostile environment through prohibited conduct that 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.

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 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 administrative regulation. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's 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. 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 other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, whether formal, or informal, shall be investigated and if found, 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, 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. 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.

When a student has been suspended, or other means of correction have been implemented with the student for an incident of racism, bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a constructive problem-solving process suitable to the needs of the students and the situation. The principal or designee shall also require, when appropriate, the student to participate in an intervention that fosters cultural awareness and inclusivity. The principal or designee shall regularly check on the students to ensure that there is no ongoing issues or concerns that would require additional support or interventions. (Education Code 48900.5)

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.

All allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.

Any student who feels that he/she is being harassed or who observes an incident of harassment should immediately contact the principal or designee. If a situation involving harassment is not promptly remedied by the principal or his/her designee, a formal complaint alleging discrimination/harassment on the basis of a protected class can be filed with the district's Compliance Officer in accordance with the Uniform Complaint Procedures set forth in BP 1312.3 and AR 1312.3, and if not on the basis of a protected class, via the district's General Complaint policy and regulation, BP and AR 1312.1.

This policy shall be posted in all schools and offices including student government meeting rooms and the staff lounge.

Record Keeping

The Superintendent or designee shall maintain a record of all formal complaints 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:

<u>Education Code</u>	Sections	
	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
<u>Civil Code</u>	1714.1	Liability of parents/guardians for willful misconduct of minor
<u>Government Code</u>	11135	Nondiscrimination in programs or activities funded by state
<u>Penal Code</u>	422.55	Definition of hate crime
	422.6	Crimes, harassment
<u>Code of Regulations, Title 5</u>	432	Student record
	4600-4670	Uniform complaint procedures
	4900-4965	Nondiscrimination in elementary and secondary education programs
<u>United States Code, Title 20</u>	1681-1688	Title IX of the Education Amendments of 1972
<u>United States Code, Title 29</u>	794	Section 504 of Rehabilitation Act of 1973
<u>United States Code, Title 42</u>	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
<u>Code of Federal Regulations, Title 28</u>	35.107	Nondiscrimination on basis of disability; complaints
<u>Code of Federal Regulations, Title 34</u>	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

Policy adopted:	8/4/75	
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