

Lammersville USD

Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

District programs and activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, gender, ethnic group identification, race, national origin, religion, color, physical or mental disability, age or sexual orientation.

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [5145.9](#) - Hate-Motivated Behavior)

(cf. [5146](#) - Married/Pregnant/Parenting Students)

(cf. [6164.6](#) - Identification and Education Under Section 504)

The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision. The district may provide male and female students with separate shower rooms and sexual health and HIV/AIDS prevention classes in order to protect student modesty.

(cf. [6142.1](#) - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. [6145](#) - Extracurricular and Cocurricular Activities)

(cf. [6145.2](#) - Athletic Competition)

(cf. [6164.2](#) - Guidance/Counseling Services)

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

(cf. [5145.2](#) - Freedom of Speech/Expression)

(cf. [5145.7](#) - Sexual Harassment)

Students who harass other students shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

(cf. [4118](#) - Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [5131](#) - Conduct)

(cf. [5144](#) - Discipline)

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

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

The Board hereby designates the following position as Coordinator for Nondiscrimination to handle complaints regarding discrimination and inquiries regarding the district's nondiscrimination policies:

Superintendent

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.3](#) - Uniform Complaint Procedures)

Any student who feels that he/she is being harassed should immediately contact the Coordinator for Nondiscrimination, the principal or any other staff member. Any student who observes an incident of harassment should report the harassment to a school employee, whether or not the victim files a complaint.

Employees who become aware of an act of harassment shall immediately report the incident to the Coordinator for Nondiscrimination. Upon receiving a complaint of discrimination or harassment, the Coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment. Where the Coordinator finds that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim.

The Coordinator shall also advise the victim of any other remedies that may be available. The Coordinator shall file a report with the Superintendent or designee and refer the matter to law enforcement where required.

Legal Reference:

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination on the basis of sex, especially:
[221.5](#) Prohibited sex discrimination
[221.7](#) School-sponsored athletic programs; prohibited sex 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
[49020-49023](#) Athletic programs
[51006-51007](#) Equitable access to technological education programs
[51500](#) Prohibited instruction or activity
[51501](#) Prohibited means of instruction
[60044](#) Prohibited instructional materials

CIVIL CODE

[1714.1](#) Liability of parents/guardians for willful misconduct of minor

PENAL CODE

[422.55](#) Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

[4621](#) District policies and procedures
[4622](#) Notice requirements
[4900-4965](#) Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

[2000d-2000e-17](#) Title VI & VII Civil Rights Act of 1964 as amended
[2000h-2-2000h-6](#) Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

[100.3](#) Prohibition of discrimination on basis of race, color or national origin

[104.7](#) Designation of responsible employee for Section 504

[106.8](#) Designation of responsible employee for Title IX

[106.9](#) Notification of nondiscrimination on basis of sex

COURT DECISIONS

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

Management Resources:

OFFICE OF CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, January, 1999

Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 FR 47, March, 1994

WEB SITES

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>

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

Policy LAMMERSVILLE UNIFIED SCHOOL DISTRICT
adopted: November 19, 2008 Mountain House, California