

# **BOARD POLICY**

Placentia-Yorba Linda Unified School District

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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 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, on the basis of student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, mental or physical disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics

This policy shall apply to all acts 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 may have an impact or create a hostile environment at school.

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

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. 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, 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 administrative regulation 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, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

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 designee, a complaint alleging discrimination/harassment can be filed with the district's compliance officer in accordance with the Uniform Complaint Procedures set forth at BP 1312.3 and AR 1312.3.

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

### 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.

### 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
	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	Definition of hate crime
	422.6	Crimes, harassment

Code of Regulations, Title 5	432	Student record
	4600-4687	Uniform complaint procedures
	4900-4965	Nondiscrimination in elementary and secondary education programs
United States Code, Title 20	1681-1688	Title IX of the Education Amendments of 1972
	12101-12213	Title II equal opportunity for individuals with disabilities
United States Code, Title 29	794	Section 504 of Rehabilitation Act of 1973
United States Code, Title 42	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
Code of Federal Regulations, Title 28	35.107	Nondiscrimination on basis of disability; complaints
Code of Federal Regulations, Title 34	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
	106.8	Designation of responsible employee for Title IX
	106.9	Notification of nondiscrimination on basis of sex

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