



Board Policy

BP 5145.3 Students

NONDISCRIMINATION/HARASSMENT

The Board of Trustees desires to provide 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 unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, 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, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

The District designates the individual identified below as the District compliance officer. The compliance officer shall be 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 District's non-discrimination policies. This individual shall also serve as the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, 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, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The compliance officer may be contacted at: (Education Code § 234.1; 5 CCR § 4621)

Enrique P. Torres,
Director, Constituent Services
Stockton Unified School District
701 N. Madison Street Stockton, CA 95202
(209) 933-7000 Ext. 2195

This Policy shall apply to all acts related to school activity or to school attendance occurring within the District, 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.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the characteristics 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 the student's academic performance; or otherwise adversely affects the student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the characteristics 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 as set forth in AR 5145.3.

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. The Superintendent or designee 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. The Superintendent shall report his/her findings and recommendations to the Board after each review.

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 such as is set forth in Education Code Section 48900.4. Any District 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.

References:

BP 0410 - Nondiscrimination in District Programs and Activities
BP/AR 1312.1 – Complaints Concerning District Employees
BP/AR 1312.3 - Uniform Complaint Procedures
BP/AR 1330 - Use of Facilities
BP/AR 4131 - Staff Development
BP4119.21/4219.21/4319.21 - Professional Standards
BP/AR 4218 - Dismissal/Suspension/Disciplinary Action
BP4231 - Staff Development
BP4331 - Staff Development
BP 5131 - Conduct)
BP 5131.2 - Bullying)
BP 5137 - Positive School Climate)
BP/AR 5144 - Discipline)
BP/AR 5144.1 - Suspension and Expulsion/Due Process)
AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
BP/AR 5145.2 - Freedom of Speech/Expression)
BP/AR 5145.7 - Sexual Harassment)
BP 5145.9 - Hate-Motivated Behavior)
BP 5146 - Married/Pregnant/Parenting Students)
BP/AR 6145 - Extracurricular and Cocurricular Activities
BP/AR 6145.2 - Athletic Competition

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
48900-48925 Student discipline
48950 Freedom of speech
48985 Translation of notices
49020-49023 Athletic programs
51500 Prohibited instruction or activity
60044 Prohibited instructional materials

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

CODE OF REGULATIONS, TITLE 5

432 Student record
4600-4670 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

Replaces: 2/25/20