Students

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the county office’s academic and other educational support programs, services, and activities. The Board prohibits, at any county office program, school, or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying of any student based on the student’s actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental 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 within a school under the jurisdiction of the Tulare County Superintendent of Schools. (Education Code 234.1)

School personnel are required to take immediate steps to intervene when safe to do so when he or she witnesses an act of discrimination, harassment, intimidation, or bullying.

The county office designates the individual(s) identified below as the employee(s) responsible for coordinating the county office’s efforts to comply with 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 county office’s nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 – Uniform Complaint Procedures as the responsible employee(s) to handle complaints regarding unlawful discrimination, harassment, intimidation, or bullying based on actual ancestry, age, color disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, age, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at:

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<tr>
<th>Deputy Superintendent, Instructional Services</th>
<th>Director, Human Resources</th>
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<tbody>
<tr>
<td>(title or position)</td>
<td>(title or position)</td>
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<tr>
<td>6200 S. Mooney Blvd., Visalia CA 93277</td>
<td>6200 S. Mooney Blvd., Visalia CA 93277</td>
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<tr>
<td>(physical address)</td>
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<tr>
<td>P.O. Box 5091, Visalia CA 93278-5091</td>
<td>P.O. Box 5091, Visalia CA 93278-5091</td>
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<td>(mailing address)</td>
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<tr>
<td>(559) 733-6328</td>
<td>(559) 733-6306</td>
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Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, includes physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also shall include the creation of a hostile environment 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.

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 files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The County Superintendent of Schools or designee shall facilitate students’ access to the educational program by publicizing the county office’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 County Superintendent or designee shall regularly review the implementation of the county office’s nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. He/she 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 for behavior that 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.

 Legal Reference:

**EDUCATION CODE**
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 the 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
601-607 – 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
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

Management Resources:
CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

FIRST AMENDMENT CENTER PUBLICATIONS
Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARD ASSOCIATION PUBLICATIONS
Dealing with Legal Matters Surrounding Students’ Sexual Orientation and Gender Identity, 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Harassment and Bullying, October 2010
Notice of Non-Discrimination, January 1999

WEBSITES
CSBA: http://www.csba.org
California Department of Education: http://cde.ca.gov
California Safe Schools Coalition: http://www.casafeschools.org
First Amendment Center: http://www.firstamendmentcenter.org
National School Boards Association: http://www.nsba.org
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Policy Adopted: 4/8/2015        Tulare County Board of Education
Revised: Visalia, CA