



Book	Board Policies and ARRs
Section	5000 Students
Title	Prohibition on Discrimination and Harassment
Code	5145.3 BP
Status	Active
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The Sacramento County Board of Education (Board) is committed to providing a safe school environment that allows all pupils equal access and opportunities in the Sacramento County Office of Education's (SCOPE) academic and other educational support programs, services, and activities. All individuals shall be treated equitably in the receipt of SCOPE services. This policy applies to all acts related to school activity or school attendance occurring within SCOPE's schools or educational programs and to those acts that occur outside of school activities but may create a hostile environment at school.

The Board prohibits, at any school, or school-sponsored or school-related activity, unlawful discrimination, harassment, intimidation, and bullying of any pupil based on the pupil's actual race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, genetic information, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; 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, and all other circumstances specified in law, as applicable. The term "immigration status" encompasses citizenship status and includes a prohibition against unlawful discrimination for not providing information regarding a pupil's immigration status, citizenship status, or national origin. Sexual harassment is specifically addressed in Board Policy 5145.7: Prohibition on Sexual Harassment.

Transgender and gender variant pupils shall be allowed to access SCOPE programs and facilities in accordance with their gender identity, irrespective of the gender listed on their pupil records to the extent consistent with federal and state laws, policies of Probation, any court orders, and legal settlements.

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that affects a pupil'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 pupil's academic performance; or otherwise adversely affects a pupil's educational opportunities.

The Board also prohibits any form of retaliation against any pupil who files a complaint or report, testifies, or otherwise participates in the complaint process for a complaint regarding an incident of discrimination, harassment, intimidation, or bullying.

SCOE staff shall provide pupils with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

The Sacramento County Superintendent of Schools (Superintendent) or designee shall provide age-appropriate training and/or information to pupils, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the Board's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

Pupils who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline.

When employees and volunteers provide instruction, guidance, supervision, or other services to SCOE pupils and parents/guardians, they shall carefully guard against stereotyping or inappropriately segregating pupils.

SCOE programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act.

Individuals with disabilities and/or parents/guardians shall notify the Superintendent or principal if they have a disability that requires reasonable accommodation. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

### Grievance Procedures

SCOE shall investigate and resolve complaints of discrimination, harassment, intimidation, retaliation or bullying related to school activity or attendance at SCOE's schools in accordance with SCOE's Uniform Complaint Procedures (UCP). For complaints that do not comply with the UCP formal filing requirements, SCOE has discretion to investigate the allegations and resolve appropriately.

### Notice

The Superintendent or designee shall notify pupils, parents/guardians, and applicants for admission about SCOE's nondiscrimination policy. Parents and guardians will be informed of their children's right to free public education, regardless of their immigration status, religious beliefs, or association with any other protected class. This will include dissemination of educational rights information issued by the California Attorney General or other comparable information.

Future publications of the pupil handbook and annual parent notices will clearly describe SCOE's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, retaliation or bullying; and the resources that are available to pupils who believe that they have been the victim of any such behavior. SCOE's policy shall also be posted on SCOE's website or in other locations that are easily accessible to pupils.

The nondiscrimination policy and related informational materials shall be published, when required by law, in a language other than English.

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#### Legal References:

##### CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

##### EDUCATION CODE

200-262.4 Prohibition of discrimination

48900-48927 Suspension and expulsion

48980 Notice at beginning of term

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

51007 Legislative intent: state policy

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

##### GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by the state

11138 Rules and regulations

54953.2 Brown Act compliance with Americans with Disabilities Act

##### PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

##### TITLE 20, UNITED STATES CODE

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

##### TITLE 29, UNITED STATES CODE

794 Section 504 of the Rehabilitation Act of 1973

##### TITLE 42, UNITED STATES CODE

1983 Civil action for deprivation of rights  
2000d-2000d-7 Title VI, Civil Rights Act of 1964  
12101-12213 Americans with Disabilities Act

TITLE 5, CALIFORNIA CODE OF REGULATIONS

4600-4671 Uniform Complaint Procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

TITLE 28, CODE OF FEDERAL REGULATIONS

35.101-35.190 Americans with Disabilities Act  
36.303 Auxiliary aids and services

TITLE 34, CODE OF FEDERAL REGULATIONS

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI  
104.1-104.39 Section 504 of the Rehabilitation Act of 1973  
106.1-106.71 Nondiscrimination on the basis of sex in education programs



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The Sacramento County Office of Education (SCOPE) prohibits, in any SCOPE academic or educational program or activity, unlawful discrimination, harassment, intimidation, or bullying of any pupil as set forth in Board Policy 5145.3.

#### Complaint Process/Grievance Procedure

Any school employee who observes an incident of discrimination, harassment, intimidation, retaliation, or bullying at any school, or school sponsored or school-related activity, shall immediately intervene when safe to do so or take other appropriate action.

Any pupil who believes that he/she has been subjected to discrimination, harassment, intimidation, retaliation or bullying should immediately contact the principal or any other staff member. In addition, any person who observes any such incident should report the incident to the principal. An employee who receives such a complaint shall report it to the principal or the Assistant Superintendent of the designated program.

The principal or Assistant Superintendent will report all complaints to SCOPE's Title IX Coordinator/Compliance Officer. (See ARR 1312.3.) The Compliance Officer is responsible for ensuring SCOPE's compliance with state and federal nondiscrimination laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act.

Complaints of discrimination, harassment, intimidation, retaliation or bullying related to school activity or attendance at SCOPE's schools, shall be reported, filed, and resolved in accordance with SCOPE's Uniform Complaint Procedures (ARR 1312.3).

SCOE prohibits any form of retaliation against any pupil who files a complaint or report, testifies, or otherwise participates in the complaint process for a complaint regarding an incident of discrimination, harassment, intimidation, or bullying.

### Transgender and Gender Variant Pupils

To ensure that transgender and gender variant pupils are afforded the same rights, benefits, and protections provided to all pupils, SCOE shall address each situation on a case-by-case basis, in accordance with the following guidelines:

#### 1. Right to Privacy

SCOE personnel will only disclose a pupil's transgender or gender variant status with the pupil's prior consent, except when the disclosure is otherwise required by law or is warranted to preserve the pupil's physical or mental well-being. Transgender and gender variant pupils have the right to openly discuss and express their gender identity and to decide when, with whom, and how much information to share.

#### 2. Determining a Pupil's Gender Identity

SCOE personnel shall accept the pupil's gender identity assertion unless personnel have a credible basis for believing that the pupil's assertion is for an improper purpose. In such a case, the Superintendent or designee shall document the improper purpose and, within seven school days of receiving notification of the pupil's assertion, shall provide a written response to the pupil and, if appropriate, to the pupil's parents or guardians.

#### 3. Accessibility to Sex-Segregated Facilities, Programs, and Activities

A pupil shall be entitled to access SCOE facilities, including restrooms and locker rooms, and participate in SCOE programs and activities consistent with the pupil's gender identity to the extent allowed by state and federal laws. Activities that may involve the need for accommodations to address pupil privacy concerns will be addressed on a case-by-case basis. A pupil's right to participate in a sex-segregated activity in accordance with the pupil's gender identity shall be consistent with applicable eligibility rules and laws, established for participation in the activity.

#### 4. Pupil Names/Records

A pupil's legal name or gender as entered on the mandatory pupil record required pursuant to Title 5, California Code of Regulations 432 shall only be changed pursuant to a court order. However, at the written request of a pupil or, if appropriate, a parent or guardian, SCOE shall use the pupil's preferred name and pronouns consistent with the pupil's gender identity to address the pupil and on all other SCOE related documents and to verbally address the pupil.

#### 5. Dress Code

A pupil has the right to dress in a manner consistent with the pupil's gender identity subject to any dress code adopted on a SCOE school site.

### Education and Training

To the extent possible, SCOE schools shall focus on the prevention of discrimination, harassment, intimidation, and bullying by establishing clear rules for pupil conduct and implementing strategies to promote a positive, collaborative school climate.

SCOE shall educate pupils about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice. (Ed. Code, § 234.7.)

SCOE will provide training to teachers and other appropriate school staff to raise their awareness about their legal duty to take reasonable steps to eliminate a hostile environment and prevent discrimination, harassment, intimidation, and bullying of SCOE pupils. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the pupil body and school community, including their varying immigration experiences;
2. Discuss bullying prevention strategies with pupils, and teach pupils to recognize the behavior and characteristics of bullying perpetrators and victims;
3. Identify the signs of bullying or harassing behavior;
4. Take immediate corrective action when bullying is observed; and
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior. (Ed. Code, § 234.7.)

[ARR 5145.3 Attachment 1 & 2.pdf \(185 KB\)](#)