

**EL DORADO UNION HIGH SCHOOL DISTRICT
BOARD POLICY**

Students

**NONDISCRIMINATION/HARASSMENT/
INTIMIDATION/BULLYING
BP 5145.3**

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, 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 or based on any other reason.

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

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

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

**WHAT CONSTITUTES A DISCRIMINATORY/HARASSING/INTIMIDATING/
BULLYING ENVIRONMENT**

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and 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 the student's educational opportunities.

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 educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1330 - Use of Facilities)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

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.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.2 - Freedom of Speech/Expression)

COMPLAINT PROCESS: REPORTING, WITNESSES, & PROTECTIONS

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. *(Education Code 234.1)*

For the purposes of Education Code 234.1, the following positions are designated as the local educational officers for this policy:

Assistant Superintendent of Human Resources, ext. 7214
Assistant Superintendent of Student Services, ext. 7224
El Dorado Union High School District Office
4675 Missouri Flat Road | Placerville, CA 95667
(530) 622-5081

The Superintendent or designee shall adopt a process for receiving and investigating complaints of discrimination, harassment, intimidation, or bullying which shall include a timeline to investigate and resolve complaints or reports of discrimination, harassment, intimidation, or bullying. See Investigation and Resolution Process below and AR 5145.3.

The Superintendent or designee shall provide age-appropriate information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made. In

providing instruction, guidance, supervision, or other services to district students, employees, and volunteers shall carefully guard against segregating or stereotyping students.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact school administration, a teacher, or other staff member. Any student who observes any such incident of discrimination, harassment, intimidation, or bullying should report this observation to the school administration, teacher, or other staff member, whether or not the victim files a complaint.

If school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so, and immediately report this observation to the school administration whether or not the victim files a complaint. They shall also report to school administration any reports that are made to them by students.

Reports of alleged discrimination, harassment, intimidation, or bullying by a school staff member should be made to the school principal or directly to the Assistant Superintendent of Human Resources if the student/parent is uncomfortable about making such a report directly to the school administrator.

(cf. 1312.1 - Complaints Concerning District Employees)

Complainants are to be protected from any retaliation, and the identity of a complainant shall remain confidential, as appropriate. Any witness to the complaint shall also be protected from retaliation.

CONSEQUENCES FOR ACTS OF DISCRIMINATION/HARASSMENT/ INTIMIDATION/BULLYING

Students who engage in discrimination, harassment, intimidation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, up to and including counseling, suspension, and/or expulsion. An employee who permits or engages in prohibited discrimination, harassment, intimidation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

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

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

(cf. 5145.2 - Freedom of Speech/Expression)

INVESTIGATION & RESOLUTION PROCESS

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying school administration shall immediately investigate and resolve the concern/issue in accordance with procedures specified in AR 5145.3 – Nondiscrimination/ Harassment/ Intimidation/Bullying.

The principal or designee shall develop a plan to provide the reporter/victim with appropriate accommodations when necessary to ensure reporters/victims are protected from retaliation. Attempts should be made to keep reporter's/victim's identity as confidential as possible, while still allowing for an appropriate investigation to take place, as well as other appropriate disciplinary actions.

APPEAL PROCESS

If a parent/student feels the school site's investigation and/or resolution did not resolve their complaint/report, they may file a written appeal with the District Superintendent Office in accordance with procedures specified in AR 5145.3.

If a parent or student still feels after appeal to the District Office administration that their complaint/report was not resolved, the Uniform Complaint Procedure will be utilized to bring about resolution.

(cf. 1312.3 - Uniform Complaint Procedures)

MAINTAINING DOCUMENTS

Documentation of complainants and their resolution shall be maintained by district school personnel.

PUBLICIZING & POSTING PROCESS

The Superintendent or designee shall publicize the district's policy regarding discrimination, harassment, intimidation, and bullying, including information about the manner in which to file a complaint and reporting requirements, to students, parents/guardians, employees, agents of the governing board, and the general public. The information shall be translated, as necessary, pursuant to Education Code 48985. All forms developed for this process shall be translated, as necessary, pursuant to Section 48985 of the California Education Code

This policy shall be posted in all schools and offices, including staff lounges and pupil government meeting rooms.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

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 *Interference with constitutional right or privilege*
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*

UNITED STATES CODE, TITLE 42

2000d & 2000de-17 *Title VI & VII. Civil Rights Act of 1964 as amended*
2000h-2-2000h-6 *Title IX, of the Civil Rights Act of 1964*

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

Donovan v. Poway Unified School District, (2008) 167 Cal.App. 4th 567
Flores v. Morgan Hill Unified School district, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconfirming Students, Policy Brief, February 2014
Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013
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 BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010
Notice of Non-Discrimination, January, 1999

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education: <http://www.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 of Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

**EL DORADO UNION HIGH SCHOOL DISTRICT
ADMINISTRATIVE REGULATION**

Students

**NONDISCRIMINATION/HARASSMENT/
INTIMIDATION/BULLYING
AR 5145.3**

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district'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 district'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 to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual 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, gender expression, or any other legally protected status; 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. The coordinator/compliance officer(s) may be contacted at: (*Education Code 234.1; 5 CCR 4621*)

Assistant Superintendent of Human Resources, ext. 7214
Assistant Superintendent of Student Services, ext. 7224
El Dorado Union High School District Office
4675 Missouri Flat Road | Placerville, CA 95667
(530) 622-5081

Principal, Ponderosa High School
3661 Ponderosa Road
Shingle Springs, CA 95682
(530) 677-2281 Ext. 2216

Principal, El Dorado High School
561 Canal Street
Placerville, CA 95667
(530) 622-3634 Ext. 1020

Principal, Union Mine High School
6530 Koki Lane
El Dorado, CA 95623
(530) 621-4003 Ext. 4120

Principal, Oak Ridge High School
1120 Harvard Way
El Dorado Hills, CA 95762
(916) 933-6980 Ext. 3010

Director, EDUHSD Virtual Academy
6540 Koki Lane
El Dorado, CA 95623
(530) 622-6212 Ext. 7017

Principal, Independence High School
385 Pleasant Valley Road
Diamond Springs, CA 95619
(530) 622-7090 Ext. 7130

(*cf. 1312.1 - Complaints Concerning District Employees*)
(*cf. 1312.3 - Uniform Complaint Procedures*)

MEASURES TO PREVENT DISCRIMINATION

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent and compliance officers shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other on-campus locations that are easily accessible to students. (*Education Code 234.1*)

(*cf. 1113 - District and School Web Sites*)

(*cf. 1114 - District-Sponsored Social Media*)

2. Provide to students age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (*Education Code 234.1*)
3. Annually notify all students and parents/guardians of the district's nondiscrimination policy.

(*cf. 5145.6 - Parental Notifications*)

4. The Superintendent and compliance officers shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

5. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them.

(*cf. 1240 - Volunteer Assistance*)

(*cf. 4131 - Staff Development*)

(*cf. 4231 - Staff Development*)

(cf. 4331 - Staff Development)

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so and to report it to school administration. (*Education Code 234.1*)
7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

REPORTING AND RESPONDING TO DISCRIMINATION, HARASSMENT, INTIMIDATION, BULLYING

Students are strongly encouraged to report incidents of alleged peer discrimination, harassment, intimidation, and bullying to the school principal or assistant principal. They may also report such incidents to a teacher or other member of the school staff. School staff members, in these cases, shall encourage and assist the student in making a report to the appropriate school.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying or to whom such an incident is reported shall, in a timely fashion, report the incident to the principal or other school administrator, whether or not the victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (*Education Code 234.1*)

Students/parents should report alleged discrimination, harassment, intimidation, and bullying by a school staff member to the school principal or assistant principal, or may make reports/complaints directly to the Assistant Superintendent of Human Resources, if the alleged incident involves a school site administrator.

If the parent or student feels the school is not responding appropriately to a report/complaint made by them, they should make a complaint in writing to the school principal and attempt to resolve the issue at this level.

INITIAL COMPLAINT RESPONSE PROCEDURE

School administration's response to alleged discrimination, harassment, intimidation, and bullying

The school administrator shall in a timely fashion thoroughly investigate and determine the appropriate steps to resolve a report of discrimination, harassment, intimidation, or bullying made by a student/parent. When necessary, the administration shall take interim measures to protect the safety of the victim and/or witnesses pending the results of the school's investigation.

The school administrator shall investigate all reports/complaints of discrimination, harassment,

intimidation, or bullying in a thorough manner that includes a diligent search for evidence and the questioning of witnesses. The identity of the victim and/or reporter should be kept as confidential as possible while still allowing for an appropriate investigation to take place, as well as the ability to take appropriate disciplinary action. The investigation should proceed in a prompt fashion, depending on the severity of the situation and potential harm to the victim. In any case, the investigation of peer discrimination, harassment, intimidation or bullying shall be conducted and concluded and appropriate actions taken within 10 calendar days of the report/complaint. School administration shall document and maintain a file of the nature of the report/complaint and who reported it, the investigation process used, including witnesses interviewed, and the action taken to resolve the issue or concern.

When it is determined that discrimination, harassment, intimidation, or bullying has occurred, corrective actions shall include: (1) taking steps to end and prevent the recurrence of what was reported, (2) taking steps to mitigate any harm that may have been inflicted (i.e., providing counseling, arranging for course makeup work, etc.), (3) taking appropriate corrective action with the perpetrator, (4) taking immediate steps to prevent retaliation to the reporter or witness.

If the parent/student feels the issues and concerns have not yet been resolved, they may appeal to the site principal. Within 10 calendar days of the appeal, the principal shall ensure that a thorough and diligent investigation was conducted and that corrective actions were adequate to resolve the matter. They shall conduct additional investigation and/or initiate additional corrective actions if necessary.

Personnel policies and regulations (Board Policy and Administrative Regulation 1312.1: Complaints Against Employees) shall be used to investigate and resolve reports/complaints related to charges of discrimination, harassment, intimidation, or bullying by school staff members.

APPEAL/COMPLAINT TO DISTRICT ADMINISTRATION

A parent/student may file a written appeal/complaint with the District Superintendent or designee if they feel the site level written appeal to the Principal did not resolve the issue/concern they had with resolving the purpose of their initial report /complaint.

The appeal/complaint shall state the following:

1. A brief description of the alleged original report/complaint
2. If applicable, a description of what the school administration failed to do in terms of investigating the complaint
3. If applicable, a description of what the school administration failed to do in terms of bringing about a satisfactory resolution to the report/complaint
4. What the parent/student would like to happen in regard to bringing about a satisfactory resolution to the report/complaint

The Superintendent or designee shall investigate the complaint and provide a written response to the parent/student indicating the findings of the investigation and proposed resolution(s) to the situation. The investigation and response will be conducted within 10 calendar days of the receipt of the district level complaint.

FORMAL UNIFORM COMPLAINT PROCEDURE

The Uniform Complaint Procedure may be utilized and nothing in this policy is intended to limit the complainant's right to file a uniform complaint.

RESPONSIBILITIES WITHIN SCHOOL DISTRICT

School principals or designees are responsible for ensuring federal, state, and district regulations relating to discrimination, harassment, intimidation, and bullying are implemented on their school sites and providing the necessary information/postings to parents, students, administrators, and school staff. They shall also ensure that incidents are appropriately investigated, documented and resolved.

The Assistant Superintendent of Human Resources shall be responsible for conducting investigations of alleged discrimination, harassment, intimidation, and bullying of students by school personnel in conjunction with school administration.

The Assistant Superintendent of Student Services shall be responsible for conducting investigations and responses to appeals/complaints made to the District Office administration regarding discrimination, harassment, intimidation, or bullying of students by other students.