

Policy 5145.3: Nondiscrimination/Harassment

Status: DRAFT

Original Adopted Date: 01/10/2019 | **Last Revised Date:** 10/28/2020 | **Last Reviewed Date:** 09/09/2026

The Governing Board desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to district activity or attendance, to acts which occur off campus or outside of district-related or district-sponsored activities but which may have an impact on or create a hostile environment at school, and to all acts of the Board and the Superintendent in enacting policies and procedures that govern the district.

The Board prohibits, at any district school or activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, against an individual or group based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; a perception of one or more, or any combination, of such characteristics; or association with a person or group with one or more, or any combination, of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 210.3, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

Additionally, the Board prohibits teacher instruction and district-sponsored activities that promote discriminatory bias based on any of the characteristics specified above. Discriminatory bias in instruction and school-sponsored activities does not require a showing of direct harm to members of a protected group and members of a protected group do not need to be present while the discriminatory bias is occurring for the act to be considered discriminatory bias. (Education Code 51500)

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. Additionally, unlawful discrimination occurs when 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.

In addition, unlawful discrimination includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in district programs or activities or the provision or receipt of educational benefits or services.

Because unlawful discrimination could occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently, and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144 - Discipline, Board Policy and Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).

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, participates, or refuses to participate in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as discrimination complaints.

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. Additionally, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's website in a manner that is easily accessible

to students and parents/guardians, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6; 34 CFR 106.8)

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase 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 or designee shall report the 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 shall be 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 consequences 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 related to a district activity, attendance, or district-related or district-sponsored activity, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

When a student has been suspended, or other means of correction have been implemented against the student for an incident of racist bullying, harassment, or intimidation, the principal or designee may engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. Additionally, the principal or designee may require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

When appropriate based on the severity or pervasiveness of the bullying or when otherwise required, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

Complaints alleging unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures, when required by law. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.

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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 14026	Discriminatory Practices and Unlawful Denial of Full and Equal Access
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent/guardian for act of willful misconduct by a minor

State

Ed. Code 17585	School modernization project; all-gender restroom
Ed. Code 200-280	Educational equity; prohibition of discrimination
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension or expulsion for harassment, threats, or intimidation
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 49020-49024	Athletic programs
Ed. Code 49060-49079	Student records
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12926	Prohibition of discrimination; definitions
Gov. Code 53080	Prohibition of discrimination on basis of sex or gender; community youth athletics programs
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment

Federal

20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
34 CFR 106.30	Discrimination on the basis of sex; definitions
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964

Federal

42 USC 2000e-2000e-17

42 USC 2000h-2-2000h-6

42 USC 6101-6107

Description

[Title VII Civil Rights Act of 1964, as amended](#)

Title IX of the Civil Rights Act of 1964

[Age Discrimination Act of 1975](#)

Management Resources

CA Office of the Attorney General Publication

[Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024](#)

CA Office of the Attorney General Publication

[Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025](#)

California Department of Education Publication

[Protection for LGBTQ+ Students: AB 1955](#)

Court Decision

[Mirabelli v. Bonta \(2026\) 146 S.Ct. 797](#)

Court Decision

[A.J.T. v. Osseo \(2025\) 605 U.S. 335](#)

Court Decision

Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53

Court Decision

Tennessee v. Cardona (2024) 737 F.Supp.3d 510

Court Decision

Students for Fair Admissions v. Harvard (2024) 600 U.S. 181

Court Decision

Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581

Court Decision

McDonnell Douglas Corp v. Green (1973) 411 U.S. 792

Court Decision

John T. D. v. River Delta Joint Unified School District (2021) WL 5176356

Court Decision

[Kennedy v. Bremerton \(2022\) 142 S.Ct. 2407](#)

Court Decision

[Donovan v. Poway Unified School District \(2008\) 167 Cal.App.4th 567](#)

Court Decision

[Flores v. Morgan Hill Unified School District \(2003, 9th Cir.\) 324 F.3d 1130](#)

CSBA Publication

[LGBTQ+ Students in Focus: Demographics and Academic Achievement, Governance Brief, June 2025](#)

CSBA Publication

[State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024](#)

CSBA Publication

[Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, February 2024](#)

CSBA Publication

[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024](#)

Federal Register

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579](#)

U.S DOE, Office for Civil Rights Publication

[Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD \(2013\) OCR 09-12-1020, DOJ 169-12C-70](#)

U.S. Department of Education Publication

[Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022](#)

U.S. Department of Education Publication

[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, February 2026](#)

U.S. DOE, Office for Civil Rights Publication

[Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025](#)

U.S. DOE, Office for Civil Rights Publication

[Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024](#)

Management Resources

U.S. DOE, Office for Civil Rights Publication

U.S. DOE, Office for Civil Rights Publication

Website

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Description

[Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023](#)

[Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023](#)

[The UC|CSU Collaborative for Neuroscience, Diversity, and Learning](#)

[The Trevor Project](#)

[CSBA District and County Office of Education Legal Services](#)

[California Interscholastic Federation](#)

[California Office of the Attorney General](#)

[California Safe Schools Coalition](#)

[CSBA](#)

[U.S. Department of Education, Office for Civil Rights](#)

[California Department of Education](#)

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