

**NONDISCRIMINATION/HARASSMENT**

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a LACOE school or program, and to acts which occur off campus or outside of LACOE school-related or school-sponsored activities but which may have an impact or create a hostile environment at the LACOE school.

LACOE is committed to providing a safe school environment that allows all students equal access to opportunities in admission and access to LACOE's academic and other educational support programs, services, guidance and counseling programs, athletic programs, testing procedures, and other activities. LACOE programs and activities shall be free from discrimination, including harassment, with respect to a student's race, color, ancestry, national origin, ethnicity, ethnic group identification, citizenship status, immigration status, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; 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. Specifically, state law prohibits discrimination on the basis of gender in enrollment, counseling, and the availability of physical education, athletic activities, and sports. Transgender students shall be permitted to participate in gender-segregated school programs and activities (e.g., athletic teams, sports competitions, and field trips) and to use facilities consistent with the student's gender identity. LACOE assures that lack of English language skills will not be a barrier to admission or participation in LACOE programs. Unlawful discrimination against a student in any LACOE school, program, or activity, including discriminatory harassment, intimidation, and bullying, is prohibited. Any form of retaliation against an individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination is also prohibited.

*(cf. 0410 - Nondiscrimination in LACOE Programs and Activities)*  
*(cf. 5145.7 - Sexual Harassment)*

Unlawful discrimination may result from physical, verbal, nonverbal, or written conduct against a student 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, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or the student's association with a person or group with one or more of these actual or perceived characteristics. Unlawful discrimination also occurs 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.

**NONDISCRIMINATION/HARASSMENT** (continued)

*Gender identity* of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

*Gender expression* means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

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 any LACOE school, program, or activity, or the provision or receipt of educational benefits or services, such as prohibiting a student from enrolling in a class or course on the basis of the student's sex.

When, as permitted by law, LACOE maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, students may choose to access facilities and participate in such programs and activities consistent with the student's gender identity. In addition, students may choose to participate in accordance with their gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips.

Each student's gender identity shall be the gender asserted by the student. Transgender and gender-nonconforming students shall be afforded the same rights, benefits, and protections as all LACOE students.

Complaints of unlawful discrimination, including discriminatory harassment, intimidation, or bullying or retaliation may be filed in accordance with LACOE's uniform complaint procedures (UCP) pursuant to BP 1312.3 – Uniform Complaint Procedures. Such complaints must be filed no later than six months after knowledge of the alleged discrimination was first obtained. These terms are defined by state or federal statute. For a complaint form or additional information, contact the Title IX Coordinator or your site principal. The Coordinator is:

Diana Velasquez, Executive Director, Educational Programs  
9300 Imperial Highway, EC-223  
Downey, CA 90242  
Phone: (562) 803-8451; Fax: (562) 469-4346  
Email: [ComplianceSupportServices@lcoe.edu](mailto:ComplianceSupportServices@lcoe.edu)

**NONDISCRIMINATION/HARASSMENT** (continued)

For complaints of sexual harassment, it is the responsibility of LACOE's Title IX Coordinator to determine whether the complaint should be addressed through UCP or, if the alleged conduct meets the federal definition of sexual harassment pursuant to 34 CFR 106.30, the complaint procedures established in 34 CFR 106.44-106.45. 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.

*(cf. 0410 - Nondiscrimination in LACOE Programs and Activities)*

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

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

The County Board prohibits discrimination, intimidation, or harassment or bullying of any student by any employee, student, or other person in LACOE. Prohibited harassment 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 purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

The County Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

School staff and volunteers shall carefully guard against segregation, bias, and stereotyping in the delivery of services, including, but not limited to, instruction, guidance, and supervision. In Juvenile Court Schools, LACOE shall work with the County Probation Department on practices and procedures for incarcerated students.

*(cf. 5145.2 - Freedom of Speech/Expression)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

The Principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for the student's protection from threatened or potentially harassing or discriminatory behavior.

**NONDISCRIMINATION/HARASSMENT** (continued)

The County Superintendent or designee shall facilitate students' access to the educational program by annual notifications publicizing LACOE's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. The County 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. In addition, the Superintendent or designee shall post LACOE's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the LACOE website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. The County Superintendent or designee shall regularly review the implementation of LACOE'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. The County Superintendent or designee shall report the findings and recommendations to the County Board after each review.

Students who engage in discrimination, including discriminatory harassment, intimidation, or bullying, or retaliation in violation of law or County Board policy or procedures or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or involuntary release to the student's district of residence when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

**Antidiscrimination Measures**

To prevent or address unlawful discrimination in LACOE schools, programs, and activities, LACOE will do the following:

1. Designation of a coordinator/compliance officer to handle complaints alleging unlawful discrimination
2. Posting of information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status as required pursuant to Education Code 221.61, and a link to the Title IX information included on the California Department of Education's (CDE) website, in a prominent and conspicuous location on the LACOE's website in a manner that is easily accessible for parents/guardians and students, as required pursuant to Education Code 221.61 (Education Code 221.6, 221.61, 234/6)
3. Publicizing of LACOE's nondiscrimination policies and complaint procedures

**NONDISCRIMINATION/HARASSMENT** (continued)

4. Provision of training and information about LACOE's nondiscrimination policies and complaint procedures, including information related to state and federal laws pertaining to the rights of transgender and gender-nonconforming students, to students, parents/guardians, LACOE employees, and others as applicable
5. Establishment of a complaint process that ensures a prompt and fair resolution of complaints
6. Provision of annual notification required by law
7. Maintenance of student records in accordance with law
8. Posting of LACOE's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on LACOE's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
9. Posting of the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on LACOE's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
10. Posting of a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)

*(cf. 4118 - Suspension/Dismissal/Disciplinary Action)*

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

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

*(cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

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

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

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

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

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

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

**NONDISCRIMINATION/HARASSMENT (continued)**

*Legal References:*

EDUCATION CODE

200-262.4 Prohibition of discrimination  
32261 Interagency School Safety Demonstration Act of 1985  
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  
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

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

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

UNITED STATES CODE, TITLE 29

794 Section 504 of 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  
6101-6107 Age Discrimination Act of 1975

12101-12213 Title II equal opportunity for individuals with disabilities

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  
104.8 Notice

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Prohibition of discrimination based on age

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

**NONDISCRIMINATION/HARASSMENT (continued)**

*Management Resources:*

CSBA PUBLICATIONS

*Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017*

*Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010*

*Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014*

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

*California Student Safety and Violence Prevention - Laws and Regulations, April 2004*

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018*

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 FOR CIVIL RIGHTS PUBLICATIONS

*Notice of Non-Discrimination, January 1999*

*Dear Colleague Letter: Harassment and Bullying, October 2010*

*Dear Colleague Letter: Title IX Coordinators, April 2015*

*Resolution Agreement Between the Arcadia Unified School District, U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, (2013) OCR 09-12-1020, DOJ 169-12C-70*

*Dear Colleague Letter: Harassment and Bullying, October 2010*

*Notice of Non-Discrimination, Fact Sheet, August 2010*

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

*Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2003*

WEB SITES

CSBA: <http://www.csba.org>

California Safe Schools Coalition: <http://www.casafeschools.org>

California Department of Education: <http://www.cde.ca.gov>

California Office of the Attorney General: <http://oag.ca.gov>

First Amendment Center: <http://www.firstamendment.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

**NONDISCRIMINATION/HARASSMENT**

**General Provisions**

1. LACOE is required by Title IX not to discriminate on the basis of sex, LACOE does not discriminate on the basis of sex, and LACOE's Non-Discrimination/Harassment policy extends to admission and employment. Inquiries about the application of Title IX to LACOE may be referred to LACOE's Title IX Coordinator, the U.S. Assistant Secretary of Education, or both.
  
2. LACOE designates the individual identified below as the employee responsible for coordinating LACOE's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding LACOE's nondiscrimination policies. The individual shall also serve as the compliance officer 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, citizenship status, immigration status, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, 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 may be contacted at: (Education Code 234.1; 5 CCR 4621)

Diana Velasquez, Executive Director, Educational Programs and Title IX Coordinator  
9300 Imperial Highway, EC-223  
Downey, CA 90242  
Phone: (562) 803-8451; Fax: (562) 469-4346  
Email: ComplianceSupportServices@lacoedu

3. To prevent unlawful discrimination, harassment, intimidation, retaliation, and bullying of students at LACOE schools' programs or in school activities and to ensure equal access of all students to the educational program, LACOE shall implement the following measures:
  - a. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding LACOE's nondiscrimination policy; what constitutes prohibited discrimination, 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. Such training and information shall include guidelines to provide a discrimination-free environment for all LACOE students.



**NONDISCRIMINATION/HARASSMENT** (continued)

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

- b. Provide to students a handbook that contains age-appropriate information that clearly describes LACOE'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)
- c. Annually notify all students and parents/guardians of LACOE's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from LACOE's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, LACOE will address any individual student's interests and concerns in private.

*(cf. 5145.6 - Parental Notifications)*

- d. Publicize LACOE's Nondiscrimination Policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them on LACOE's website and other prominent locations and providing easy access to them through LACOE-supported communications. (Education Code 234.1)
- e. Post a section on social media bullying that includes references to possible forums for social media bullying, including Internet websites with free registration and ease of registration and Internet websites offering peer-to-peer instant messaging, comment forums or sections, and image or video posting platforms, in a prominent location on the COE's web site in a manner that is easily accessible to parents/guardians and students.

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

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

- f. Each LACOE site shall provide notice of this Non-Discrimination Policy along with the name, title, address, and phone number of the site administrator in charge of handling complaints and investigations for nondiscrimination and the Executive Director, Educational Programs.

**NONDISCRIMINATION/HARASSMENT** (continued)

This notice shall also include a statement of policy, definitions, and the potential disciplinary consequences of substantiated complaints (see below).

- g. LACOE 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 LACOE's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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

- h. At the beginning of each school year, inform school employees that any employee who witnesses any act of discrimination, harassment, intimidation, or bullying against a student is required to intervene if it is safe to do so. (Education Code 234.1)
- i. At the beginning of each school year, inform each Principal or designee of LACOE's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure the student's safety from threatened or potentially harassing, intimidating, or discriminatory behavior.
- j. At the beginning of each school year, inform each Principal or designee of LACOE's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure the student's safety from threatened or potentially discriminatory behavior.
- k. Post LACOE's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on LACOE's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

*(cf. 0410 - Nondiscrimination in LACOE Programs and Activities)*

*(cf. 1113 - Websites)*

*(cf. 1114 - LACOE Approved Social Media)*

*(cf. 5131.2 - Bullying)*

**NONDISCRIMINATION/HARASSMENT** (continued)

- l. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on LACOE's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
  
- m. Post in a prominent location on LACOE's website in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)
  - (1) The name and contact information of LACOE's Title IX Coordinator, including the phone number and email address
  
  - (2) The rights of students and the public and the responsibilities of LACOE under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the website of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
  
  - (3) A description of how to file a complaint of noncompliance under Title IX, which shall include:
    - (a) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
  
    - (b) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's website
  
    - (c) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
  
  - (4) A link to the Title IX information included on the California Department of Education's (CDE) website

**NONDISCRIMINATION/HARASSMENT** (continued)

- n. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on LACOE's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)

LACOE shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for free and reduced lunch program, transportation, and educational instruction.

**Enforcement of LACOE Policy**

LACOE shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond
3. Disseminating and/or summarizing LACOE's policy and regulation regarding unlawful discrimination
4. Ensuring that LACOE administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with the laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response to unlawful discrimination or harassment.

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

*(cf. 5125 - Student Records)*

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of LACOE policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true

*(cf. 4118 - Suspension/Disciplinary Action)*

*(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. 6159.4 - Behavioral Interventions for Special Education Students)*

**NONDISCRIMINATION/HARASSMENT** (continued)**Process for Initiating and Responding to Complaints**

Any student who feels they have been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Executive Director, Educational Programs, the Principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Executive Director, Educational Programs, or Principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, retaliation, or bullying or to whom such an incident is reported or who otherwise learns or suspects of an incident shall immediately report the incident to the Executive Director, Educational Programs, or Principal, within one school day, whether or not the alleged 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)

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the Principal, or Executive Director of Educational Programs, they shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures, or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Once notified verbally or in writing, the Executive Director, Educational Programs, shall immediately begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination. Even if the student chooses not to file a formal complaint, the Principal, or Executive Director, Educational Programs, shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Any report or complaint of unlawful discrimination involving the Principal, Executive Director, Educational Programs, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the County Superintendent or designee who shall determine how the complaint will be investigated.

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

**NONDISCRIMINATION/HARASSMENT** (continued)**Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students**

*Gender identity* means a person's gender-related identity, appearance, or behavior, as determined from the person's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

*Gender expression* means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth. (Education Code 210.7)

*Gender-nonconforming student* means a student whose gender expression differs from stereotypical expectations.

*Gender transition* refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

*Intersex student* means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

*Nonbinary student* means a student whose gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether or not the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

*Transgender student* means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited under state and federal law. Examples of types of conduct which are prohibited in LACOE and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity

**NONDISCRIMINATION/HARASSMENT** (continued)

2. Disciplining or disparaging a transgender student or excluding the transgender student from activities, because the student's mannerisms, hairstyle, or style of dress correspond to the student's gender identity, or disciplining or disparaging a non-transgender student or excluding the student from activities, because the student's mannerisms, hairstyle, or style of dress do not conform to stereotypes for the student's gender or are perceived as indicative of the other sex.
3. Blocking a student's entry to the bathroom that corresponds to the student's gender identity because the student is transgender or gender-nonconforming
4. Taunting a student because they participate in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information
6. Using gender-specific slurs
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

LACOE's Uniform Complaint Procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against intersex, nonbinary, transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by LACOE of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's gender identity, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that intersex, nonbinary, transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, LACOE shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. **Right to privacy:** A student's intersex, nonbinary, transgender or gender-nonconforming status is the student's private information. LACOE shall develop strategies to prevent unauthorized disclosure of students' private information. Such strategies may include, but are not limited to, collecting or maintaining information about student gender only when relevant to the educational program or activity, protecting or revealing a student's gender identity as necessary to protect the health or safety of the student, and keeping a student's unofficial record separate from the official record.

**NONDISCRIMINATION/HARASSMENT** (continued)

LACOE shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when LACOE has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, LACOE shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by LACOE pursuant to 34 CFR 99.31. Any LACOE employee to whom a student's intersex, nonbinary, transgender, or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a LACOE employee by a student, the employee shall seek the student's permission to notify the Executive Director, Educational Programs. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation and shall inform the student that honoring the student's request may limit LACOE's ability to meet the student's needs related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming student. If the student permits the employee to notify the Executive Director, Educational Programs, the employee shall do so within three school days.

As appropriate, the Executive Director, Educational Programs, shall discuss with the student any need to disclose the student's intersex, nonbinary, transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. Any decision to disclose the student's status to others shall be based on the student's best interest. LACOE shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desired assistance in doing so.

*(cf. 1340 - Access to LACOE Records)*

*(cf. 3580 - LACOE Records)*

2. **Determining a Student's Gender Identity:** The Executive Director, Educational Programs, shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless LACOE personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the Executive Director, Educational Programs, shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to the student's parents/guardians.



**NONDISCRIMINATION/HARASSMENT** (continued)

3. **Addressing a Student's Transition Needs:** The Executive Director, Educational Programs, shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the intersex, nonbinary, transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Executive Director, Educational Programs, shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as an intersex, nonbinary, transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.
  
4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** LACOE may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intramural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with the student's gender identity. To address any student's privacy concerns in using sex-segregated facilities, LACOE shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, LACOE shall not require a student to utilize these options because the student is intersex, nonbinary, transgender, or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. However, a student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6153 - School-Sponsored Trips)*

*(cf. 7110 - Facilities Master Plan)*

**NONDISCRIMINATION/HARASSMENT** (continued)

5. Student Records: Upon each student's enrollment, LACOE is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name.

A student's legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. A student's gender as entered on the student's official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061) However, at the written request of a student or, if appropriate, the student's parents/guardians, LACOE shall use the student's preferred name and pronouns consistent with the student's gender identity on all other LACOE-related documents. When proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.

*(cf. 5125 - Student Records)*

*(cf. 5125.1 - Release of Directory Information)*

6. Names and Pronouns: If a student so chooses, LACOE personnel shall be required to address the student by a name and the pronouns consistent with the student's gender identity, without the necessity of a court order or a change to the student's official LACOE record. However, inadvertent slips or honest mistakes by LACOE personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying LACOE Board policy.
7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

*(cf. 5132 - Dress Code)*