

Bakersfield City School District



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ADDENDA:

District Parent and Guardian Annual Notification

DATE: October 9, 2021

TO: Bakersfield City School District Staff, Students, and Parents/Guardians

FROM: Tim Fulenwider, Ed. D., Executive Director, Instructional Support Services

RE: District Student Nondiscrimination/Harassment Board Policy
Notification to Parents/Guardians of Rights and Options Available to Pregnant and/or Parenting Students

PURPOSE:

This memorandum serves as a notification of changes to the Bakersfield City Schools District's Guide for Parents and Students. The District has added:

- The addition of the full Nondiscrimination/harassment policy to students and parents/guardians thru the Guide for Parents and Students, and employees thru The Advisory Bulletin (TAB)
- A revision to the notification to parents/guardians of "Rights and Options Available to Pregnant and/or Parenting Students"

This information was added and is being distributed in accordance with California Education Code and at the request of the Federal Program Monitoring Review Team.

Book	BCSD Board Policies
Section	0600 Students
Title	Nondiscrimination/Harassment
Code	0601.14
Status	Active
Adopted	January 28, 2014
Last Revised	September 22, 2020

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the District's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any District school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying of any student based on actual or perceived characteristics of age, ethnicity or race, which is inclusive of traits historically associated with race, including but not limited to, hair

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texture and protective hairstyles, such as braids, locks, and twists, color, ancestry, nationality, national origin, immigration status, ethnic group identifications, religion, pregnancy, marital status, parental status, physical disability, mental disability, sex (including sexual harassment), sexual orientation, gender, gender identity, gender expression, medical information, genetic information, homelessness, foster status, military veteran status, political affiliation, or any other characteristic identified in Education code Section 200 or 220, Penal code Section 422.55, Government Code Section 11135, and Title IX, or based on association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a District school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school (Education Code Section 234.1).

(cf. BP 300.41 – Identification and Education Under Section 504)
(cf. BP 300.63 – Nondiscrimination in District Programs and Activities)
(cf. BP 600.04 – Positive School Climate)
(cf. BP 601.01 – Conduct of Pupils)
(cf. BP 601.02 – Bullying)
(cf. BP 601.12 – Hate-Motivated Behavior)
(cf. BP 603.24 – Married/Pregnant/Parenting Students)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above. Unlawful discrimination shall include the creation of a hostile environment when the prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or otherwise participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging an incident of discrimination, discriminatory harassment, intimidation, or bullying. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

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. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide age-appropriate 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 education program.

(cf. BP 400.35 – Extracurricular and Cocurricular Activities)
(cf. BP 603.18 – Guidance/Counseling Services)
(cf. BP 604.11 – Volunteer Assistance)
(cf. BP 605.03 – Uniform Complaint Procedures)
(cf. BP 800.05 – Use of School Facilities)

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the District. Staff shall be alert and immediately responsive to conduct which may interfere with another student's

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ability to participate in or benefit from school services, activities or privileges. The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from bullying, threatening, potentially harassing, or discriminatory behavior.

(cf. BP 500.38 – Sexual Harassment)

(cf. BP 601.02 – Bullying)

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 taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, bullying, or retaliation, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, up to and including suspension and/or expulsion for behavior that is severe or pervasive as defined in Education Code Section 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, bullying, or retaliation, shall be subject to disciplinary action, up to and including dismissal.

(cf. BP 601.01 – Conduct of Pupils)

(cf. BP 601.04 – Suspension and Expulsion/Due Process)

(cf. BP 601.07 – Discipline)

(cf. BP 605.10 – Freedom of Speech/Expression: Publications Code)

(cf. BP 606.06 – Suspension and Expulsion/Due Process (Pupils with Disabilities))

The Board designates the following position identified below as the employee 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 605.03 – Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying (Education Code Section 234.1; Title 5, California Code of Regulations, Section 4621). The Coordinator for Nondiscrimination/compliance officer may be contacted at:

Director I, Human Resources
Bakersfield City School District
1300 Baker Street
Bakersfield, California 93305
Telephone: (661) 631-4663

(cf. BP 300.13 – Complaints Concerning District Employees)

(cf. BP 300.63 – Nondiscrimination in District Programs and Activities)

(cf. BP 605.03 – Uniform Complaint Procedures)

Any student who feels that they have been subjected to unlawful discrimination, including discriminatory harassment, intimidation, or bullying, should immediately contact the Coordinator for Nondiscrimination listed above, the principal, or any other staff member. Any student who observes an incident of harassment should report the incident to a school employee, whether or not the victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, or to whom such an incident is reported, shall report the incident to the Nondiscrimination Coordinator or principal, whether or not the victim files a complaint.

Upon receiving a complaint of unlawful discrimination, the Nondiscrimination Coordinator shall immediately investigate the complaint in accordance with District policy and regulations. In addition, the employee shall immediately intervene when safe to do so (Education Code Section 234.1).

The Superintendent or designee shall ensure that the "Guide for Parents and Students" clearly describes the District's nondiscrimination policy, procedures for filing a complaint regarding unlawful discrimination, including

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discriminatory harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The District's policy shall also be posted on the District web site or any other location that is easily accessible to students.

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 behavior in District schools.

(cf. BP 300.11 – District Records)

Legal Reference:

EDUCATION CODE

200-262.4	Prohibition of discrimination on the basis of sex, especially:
221.5	Prohibited sex discrimination
221.7	School-sponsored athletic programs; prohibited sex discrimination
48900.3	Suspension or expulsion for act of hate violence
48900.4	Suspension or expulsion for threats or harassment
48904	Liability of parent/guardian for willful student misconduct
48907	Student exercise of free expression
48950	Freedom of speech
48985	Translation of notices
49020-49023	Athletic programs
51006-51007	Equitable access to technological education 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
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CODE OF REGULATIONS, TITLE 5

432	Student Record
4600-4687	Uniform Complaint Procedures
4621	District policies and procedures
4622	Notice requirements
4900-4965	Nondiscrimination in elementary and secondary education programs

PENAL CODE

422.55	Definition of hate crime
422.6	Interference with constitutional right or privilege

UNITED STATES CODE, TITLE 20

1681- 1688	Title IX of the Education Amendments of 1972
12101-12213	Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794	Section 504 of Rehabilitation Act of 1973
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UNITED STATES CODE, TITLE 42

2000d-2000e-17	Title VI and VII Civil Rights Act of 1964, as amended
2000h-2000h-6	Title IX of the Civil rights Act of 1964
6101-6107	Age Discrimination Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190	Americans with Disabilities Act
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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

Revision Adopted August 25, 2015

Revision Adopted August 2, 2018

Revision Adopted October 22, 2019

Revision Adopted December 18, 2019

Revision Adopted September 22, 2020

Rights and Options Available to Pregnant and/or Parenting Students

Early marriage, pregnancy, or parenting may disrupt a student's education and increase the chances of a student dropping out of school. Age-appropriate, culturally sensitive, and community-sensitive instruction and services to assist in delaying the onset of sexual activity and preventing pregnancy is encouraged. The District's program focuses applicable instruction on reducing the incidence of pregnancy among school-age youth.

Married, expectant, and parenting students shall have the same educational and extracurricular opportunities as all students. The District does not exclude or deny any student from any educational program or activity solely on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom and shall treat these conditions in the same manner and under the same policies as any other temporary disabling condition. A pregnant or parenting student is entitled to 8 weeks of parental leave, or additional leave if deemed medically necessary by the student's physician. During parental leave, absences shall be excused and the pupil shall not be required to complete academic work or other school requirements. After returning from parental leave, a student may resume the course of study in which they were previously enrolled and is entitled to make up work missed. A student may elect to attend an alternative education option instead of returning to the school in which they were enrolled prior to parental leave. Participation in special programs or alternative education options shall be voluntary. If so enrolled, the student shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular program. Schools shall provide to a lactating student on campus reasonable accommodations, including but not limited to:

- Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child.
- Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk.
- Access to a power source for a breast pump or any other equipment used to express breast milk.
- Access to a place to store expressed breast milk safely.

A lactating student shall be provided a reasonable amount of time to accommodate her need to express breast milk or breast-feed an infant child. Furthermore, a student shall not incur an academic penalty as a result of her use, during the school day, of the reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. For school-related purposes, married students under the age of 18 are emancipated minors and have all the rights and privileges of students who are 18, even if the marriage has been dissolved. If a student believes that their school is discriminating on the basis of sex in opposition to the rights

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and entitlements listed above, the student can file a complaint through the District's Uniform Complaint Procedures. California Family Code Section 7002; Education Code 221.51, 222, 222.5

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