

Book	BCSD Board Policies
Section	0600 Students
Title	Nondiscrimination/Harassment
Code	0601.14
Status	Active
Adopted	January 28, 2014
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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 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 related to school activity or to school attendance occurring within a school under the jurisdiction of the local educational agency, to all 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, and to all acts of the Governing Board or body of the local educational agency, the Superintendent of the school district, and the county superintendent of schools in enacting policies and procedures that govern the local educational agency (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 (Education Code Section 234.1 & 234.6).

The Superintendent or designee shall provide age-appropriate training and/or 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 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 shall also serve as the compliance officer 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 District's Chief Equity Compliance Officer, Section 504 Coordinator, and Title IX Coordinator may be contacted at:

Erin Johnston  
Director I, Human Resources  
Bakersfield City School District  
1300 Baker Street  
Bakersfield, California 93305  
Telephone: (661) 631-4663  
johnstone@bcsd.com

(cf. BP 300.13 – Complaints Concerning District Employees)

(cf. BP 300.41 – Identification and Education under Section 504)  
(cf. BP 300.63 – Nondiscrimination in District Programs and Activities)  
(cf. BP 605.03 – Uniform Complaint Procedures)  
(cf. BP 606.15 – Sexual Harassment Complaint Procedures)

Any student who feels they have been subjected to unlawful discrimination, including discriminatory harassment, intimidation, or bullying, should immediately contact the Chief Equity Compliance Officer 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 Chief Equity Compliance Officer or principal, whether or not the victim files a complaint.

Upon receiving a complaint of unlawful discrimination, the Chief Equity Compliance Officer 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 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
51204.5	Social sciences instruction; contributions of specified groups
51500	Prohibited instruction or activity
51501	Nondiscriminatory subject matter
60010	Instructional materials; definition
60040-600.52	Requirements for 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

**GOVERNMENT CODE**

11135 Prohibition of discrimination

**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

**UNITED STATES CODE, TITLE 29**

794 Section 504 of Rehabilitation Act of 1973

**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

12101-12213 Title II equal opportunity for individuals with disabilities

**CODE OF FEDERAL REGULATIONS, TITLE 28**

35.101-35.190 Americans with Disabilities Act

**CODE OF FEDERAL REGULATIONS, TITLE 34**

99.31 Disclosure of personally identifiable information

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 of Nondiscrimination on the Basis of Handicap

106.30 Discrimination on the basis of sex; definitions

106.45 Grievance process for formal complaints of sexual harassment

106.8 Designation of responsible employee for Title IX

110.25 Prohibition of discrimination based on age

**Revision Adopted August 25, 2015**

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**Revision Adopted December 18, 2019**

**Revision Adopted September 22, 2020**

**Revision Adopted December 19, 2023**

## **AR 601.14 Nondiscrimination/Harassment**

### **Administrative Regulation**

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 605.03 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, 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 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 basis prohibited by California state and federal nondiscrimination laws consistent with Education Code Sections 200 or 220, Penal Code Section 422.55, Government Code Section 11135, and Title IX, 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 District's Chief Equity Compliance Officer and Title IX Coordinator may be contacted at (Education Code Section 234.1; Title 5 California Code of Regulations, Section 4621):

Director I, Human Resources  
Bakersfield City School District  
1300 Baker Street  
Bakersfield, California 93305  
Telephone: (661) 631-4663  
Email: johnstone@bcasd.com

(cf. BP 300.13 – Complaints Concerning District Employees)  
(cf. BP 605.03 – 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 or designee shall implement the following measures (Education Code Section 234.1):

1. Publicize the District'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 posting them on the District's web site and other prominent locations and providing easy access to them through District-supported social media, when available.

(cf. BP 300.68 – Social Media)  
(cf. BP 500.50 – District and School Web Sites)

2. Post the District'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 Section 234.6 as possible forums for social media, in a prominent location on the District's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6).
3. Post the definition of sex discrimination and harassment as described in Education Code Section 230, including the rights set forth in Education Code Section 221.8, in a prominent location on the District's web site in a manner that is easily accessible to parents/guardians and students (Education Code Section 234.6).
4. Post in a prominent and conspicuous location on the District and school web sites 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 Sections 221.6, 221.61, & 234.6)

- a. The name and contact information of the District's Title IX coordinator, including the phone number and email address
- b. The rights of students and the public and the responsibilities of the District 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 web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
- c. A description of how to file a complaint of noncompliance under Title IX, which shall include:
  1. 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.
  2. 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 web site.
  3. 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.

(cf. BP 300.68 – Social Media)

(cf. BP 500.50 – District and School Web Sites)

5. 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 the District's web site in a manner that is easily accessible to parents/guardians and students. (Education Code Sections 234.5 & 234.6).
6. Provide to students a handbook that contains 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 Section 234.1)
7. Annually notify all students and parents/guardians of the District's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming 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 the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the District will address any individual student's interests and concerns in private.

(cf. BP 300.56 – Parental Notifications)

8. The Superintendent or designee 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 fifteen (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 Sections 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.

9. 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. Such training and information shall include details of guidelines the District may use to provide a discrimination-free environment for all District students, including transgender and gender-nonconforming students.

10. 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 (Education Code Section 234.1).
11. 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 from threatened or potentially discriminatory behavior and ensure privacy rights.

### **Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce BP 601.14 – 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, how to report it or file a complaint, and how to respond.
3. Disseminating and/or summarizing the District's policy and regulation regarding unlawful discrimination.
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment.

(cf. BP 300.49 – Unauthorized Release of Confidential/Privileged Information)

(cf. BP 500.30 – Personnel Files)

(cf. BP 605.07 – Pupil Records)

5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing in violation of District policy, including any student who is found to have made a complaint of discrimination that they knew was not true.

(cf. BP 601.07 – Discipline)

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

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

### **Process for Initiating and Responding to Complaints**

Any student who feels that they have been subjected to unlawful discrimination described above or in District policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a 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 Section 234.1).

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, they shall notify the student or

parent/guardian of the right to file a formal complaint in accordance with AR 605.03 – Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 606.15 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall 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.

Any report or complaint alleging unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee who shall determine how the complaint will be investigated.

Even if the individual chooses not to file a formal complaint, the principal or compliance officer 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. Informal complaints shall be addressed using the School-Level Grievance Process/Grievance Procedure contained in Administrative Regulation 601.02, Bullying.

(cf. BP 601.02 – Bullying)

(cf. BP 603.07 – Child Abuse Prevention and Reporting)

### **Definition of Terms**

The following definitions are not meant to label a student, but are intended as functional descriptors:

*Age* means amount of time during which a person has existed, including the perception of an individual's development measured in terms of their years.

*Ancestry* means a person's real or perceived family or ethnic descent, origin, or background.

*Color* means the real or perceived skin complexion of a person.

*Ethnic group identifications* means the ethnicity and/or racial category, used for federal government purposes, that a person identifies with.

*Ethnicity* means a person's real or perceived belonging to a social group that has a common national or cultural tradition.

*Foster status* means a child or youth who is the subject of a petition filed under Welfare and Institutions Code Section 300 or 602, or has been ordered by a court to be removed from home pursuant to Welfare and Institutions Code Section 727.

*Gender* means a person's actual or perceived sex and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

*Gender expression* means a person's characteristics and behaviors such as appearance, dress, mannerism, behavior, speech patterns, and social interactions that are perceived as masculine or feminine, whether stereotypically associated with the student's assigned sex at birth (Education Code Section 210.7).

*Gender identity* means a person's understanding, interests, outlook, and feelings about whether they are female or male, or both, or neither, regardless of the student's physiology or assigned sex at birth.

*Gender-nonconforming* means a person whose gender expression or gender identity differs or varies from stereotypical expectations of their gender, or whose gender expression does not fit neatly into a category.

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

*Genetic information* means a person's family medical history, either of themselves or a family member, including information gathered from genetic testing or information about manifestation of a disease or disorder in an individual's family.



*Homelessness* means a child or youth who lacks a fixed, regular, and adequate nighttime residence. Includes child and youths: a) who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; b) who may be living in motels, hotels, trailer parks, shelters; c) who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; d) who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or; e) migratory children who qualify as homeless because they are children who are living in similar circumstances listed above

*Immigration status* means the way in which a person is present in the United States.

*Marital status* means a person's state of being single, married, separated, divorced, or widowed.

*Nationality* means a person's real or perceived status of belonging to a particular nation.

*National origin* means the real or perceived country or part of the world that a person is from.

*Parental status* means whether or not a person is a parent, including as a mother, father, step-parent, adoptive parent, foster parent, or guardian.

*Physical or mental disability* means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of a person's bodily systems.

*Pregnancy* means the state of carrying a developing embryo or fetus within the female body.

*Race* means a presumed classification of a person based on physical characteristics and differences.

*Religion* means the real or perceived religious beliefs, or associated organized religion (e.g. Christianity), of a person.

*Sex* means the biological condition or quality of being a female or male human being.

*Sexual orientation* means a person's emotional and sexual attraction to another person based on the gender of the other person.

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

### **Transgender and Gender-Nonconforming Students**

Acts of verbal, nonverbal, or physical aggression, intimidation, hostility, or bullying 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 by the District and under state and federal law. Examples of types of conduct which are prohibited in the District 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 their gender identity.
2. Disciplining or disparaging a student or excluding them from participating in activities for behavior or appearance that is consistent with their gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the bathroom that corresponds to their gender identity.
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 transgender status to individuals who do not have a legitimate need for the information, without the student's consent.
6. Use of gender-specific slurs.

7. Physical assault of a student motivated by hostility toward the student because of their gender, gender identity, or gender expression.

The District's Uniform Complaint Procedures (AR 605.03) or Title IX sexual harassment procedures (AR 606.15) shall be used to report and resolve complaints alleging discrimination against 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 the District 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 transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

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

1. *Right to Privacy:* A student's transgender or gender-nonconforming status is their private information and the District will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the District has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the District shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being or with a legitimate educational interest as determined by the District pursuant to Title 34, Code of Federal Regulations Section 99.31. Any District employee to whom a student discloses their transgender or gender-nonconforming status shall seek the student's permission to notify the school principal or compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the District's ability to meet the student's needs related to their status as a transgender or gender-nonconforming student. If the student permits the employee to notify the school principal, the employee shall do so within three school days.

As appropriate given the physical, emotional, and other significant risks to the student, the principal or compliance officer may consider discussing with the student any need to disclose the student's transgender or gender-nonconformity status to their parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The principal shall consult with the Executive Director of Instructional Support Services regarding such conversations with the student. The District shall offer support services to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. BP 300.11 – District Records)

(cf. BP 300.12 – Access to District Records)

2. *Assertion of Gender Identity:* The principal or compliance officer shall accept the student's assertion unless District personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose. In such a case, the principal or compliance officer shall document the improper purpose and immediately contact the Executive Director of Instructional Support Services. If deemed necessary, the principal and/or a team determined by the District, shall, within seven (7) school days meet with the student and/or parent/guardian to clarify the needs of the student and determine whether an improper purpose exists. Within seven (7) days following the meeting, the principal shall provide a written response to the student and, if appropriate, to their parents/guardians.
3. *Addressing a Student's Transition Needs:* The principal or compliance officer shall arrange a meeting with the student and, if appropriate, their parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the 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 principal shall identify specific school site employee(s) to whom the student may report any problem related to their status as a 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 student's arrangements are meeting their 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:* The District may maintain sex-segregated facilities, such as restrooms, and sex-segregated programs and activities, such as, intermural sports and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with their gender identity. If available and requested by any student, regardless of the underlying reason, the District shall offer options to address privacy concerns in sex-segregated facilities, such as a gender-neutral or single-use restroom or changing area. However, the District shall not require a student to utilize these options because they are transgender or gender-nonconforming. In addition, a student shall be permitted 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. A student's right to participate in a sex-segregated activity in accordance with their gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. BP 400.16 – School-Related Trips)

(cf. BP 400.20 – Athletics)

(cf. BP 400.35 – Extracurricular and Cocurricular Activities)

5. *Student Records:* A student's legal name or gender as entered on the mandatory student record required pursuant to Title 5, California Code of Regulations, Section 432 shall only be changed with proper documentation. However, at the written request of a student or, if appropriate, their parents/guardians, the District shall use the student's preferred name and pronouns consistent with their gender identity on all other District-related documents. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code Section 49070, the District shall update the student's records (Education Code Sections 49062.5 & 49070).

(cf. BP 604.10 – Directory Information)

(cf. BP 605.07 – Pupil Records)

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

(cf. BP 605.01 – Pupil Dress and Grooming)

(cf. BP 605.06 – School Uniform Policy)

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