

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

**Students**

**NONDISCRIMINATION/HARASSMENT  
BP 5145.3**

The Governing Board shall ensure equal opportunities for all students regarding admission and access to the district's educational programs, guidance and counseling programs, athletic programs, testing procedures, and other activities. District programs and activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, gender, ethnic group identification, race, national origin, religion, color, physical or mental disability, age, or sexual orientation.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 6164.6 - Identification and Education under Section 504)*

The Board prohibits discrimination, intimidation, or harassment of any student by any employee, student, or other person in the district. 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.

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.

*(cf. 5145.2 - Freedom of Speech/Expression)*  
*(cf. 5145.7 - Sexual Harassment)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 6145.2 - Athletic Competition)*  
*(cf. 6164.2 - Guidance/Counseling Services)*

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatening or potentially harassing or discriminatory behavior.

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

*(cf. 4118 - Suspension/Disciplinary Action)*  
*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

*(cf. 5131 - Conduct)*  
*(cf. 5144 - Discipline)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

**GRIEVANCE PROCEDURES**

The Board hereby designates the following position(s) as Coordinator(s) for Nondiscrimination:

Assistant Superintendent, Human Resources  
4675 Missouri Flat Road  
Placerville, CA 95667  
(530) 622-5081, ext. 7214

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

Any student who feels that he/she has been subjected to discrimination should immediately contact the principal or any other staff member.

Any student or school employee who observes any incident of discrimination or harassment should report this observation to the principal whether or not the victim files a complaint.

Upon receiving a complaint of discrimination or harassment, the Coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR5145.7 - Sexual Harassment.

The Superintendent or designee shall ensure that the *Annual Notification to Parents* booklet clearly describes the district’s nondiscrimination policy, procedures for filing a complaint regarding discrimination or harassment, and the resources that are available to students who feel that they have been the victim of discrimination or harassment. The district’s policy may also be posted on the district website or any other location that is easily accessible to students.

**Legal Reference:**

*EDUCATION CODE*

- 200-262.4 Prohibition of discrimination on the basis of sex*
- 48900.3 Suspension or expulsion for act of hate violence*
- 48900.4 Suspension or expulsion for threats or harassment*
- 48904 Liability of parent/Guardian for willful student misconduct*
- 48907 Student exercise of free expression*
- 48950 Freedom of Speech*
- 49020-49023 Athletic programs*
- 51500 Prohibited instruction or activity*
- 51501 Prohibited means of instruction*
- 60044 Prohibited instructional materials*

*CIVIL CODE*

- 1714.1 Liability of parents/guardians for willful misconduct of minor*
- PENAL CODE**
  - 422.55 Interference with constitutional right or privilege*
  - 422.6 Crimes, harassment*
- CODE OF REGULATIONS, TITLE 5**
  - 4600-4687 Uniform Complaint Procedures*
  - 4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance*
- UNITED STATES CODE, TITLE 42**
  - 2000d & 2000de-17 Title VI & VII. Civil Rights Act of 1964 as amended*
  - 2000h-2-2000h-6 Title IX, 1972 Education Act Amendments*
- CODE OF FEDERAL REGULATIONS, TITLE 34**
  - 100.3a 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*
  - 106.9 Notification of nondiscrimination on basis of sex*
- COURT DECISIONS**
  - Donovan v. Poway Unified School District, (2008) 167 Cal.App. 4th 567*
  - Flores v. Morgan Hill Unified School district, (2003) 324 F.3d 1130*

**Management Resources:**

- CSBA PUBLICATIONS**
  - Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010*
- CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES**
  - California Student Safety and Violence Prevention - Laws and Regulations, April 2004*
- FIRST AMENDMENT CENTER PUBLICATIONS**
  - Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006*
- NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS**
  - Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004*
- U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS PUBLICATIONS**
  - Notice of Non-Discrimination, January, 1999*
- WEB SITES**
  - CSBA: <http://www.csba.org>*
  - California Safe Schools Coalition: <http://www.casafeschools.org>*
  - California Department of Education: <http://www.cde.ca.gov>*
  - First Amendment Center: <http://www.firstamendment.org>*
  - National School Boards Association: <http://www.nsba.org>*
  - U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/about/offices/list/ocr>*