

# **Santa Barbara School Districts**

## **Board Policy**

**BP 5145.3**

### **Students**

#### **NONDISCRIMINATION/HARASSMENT POLICY**

District programs and activities shall be free from discrimination, including harassment, with respect to ethnic group, religion, gender, sexual orientation, color, race, national origin and physical or mental disability.

The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. Eligibility for choral and cheerleading groups shall be determined solely on the basis of objective competencies. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

The schools may provide girls and boys with separate shower rooms and sex education classes in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

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 student conduct that may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

Students who harass or discriminate against other students shall be subject to appropriate counseling and discipline, up to and including expulsion. An employee who permits or engages in discrimination or harassment may be subject to disciplinary action, up to and including dismissal.

Any student who feels that he/she is being harassed or discriminated against should immediately contact the principal or designee. The student and/or parent may file a complaint verbally or in writing under the District "Discrimination/Harassment Complaint Procedure" (AR 5145.31). Upon receipt of a harassment complaint, the Superintendent or designee will be notified. Complaints of harassment will be investigated immediately according to the procedures set forth in AR 5145.31.

When any form of harassment is reported at a school site, the procedures outlined in Administrative Regulation 5145.3, "Procedures For Data Collection and Reporting Hate Crime and Bias-Motivated Incidents," must be followed, whether or not a discrimination/harassment grievance is filed.

Each elementary and secondary school's student handbook will include a section regarding the Districts' nondiscrimination/harassment policy and the "Discrimination/Harassment Complaint Procedure." Student handbooks will be reviewed with students at the beginning of each school year, either in the classroom or in student assemblies.

At the start of each school year, this policy will be mailed to parents/guardians.

Legal Reference:

CIVIL CODE

- 200-262.5 Prohibition of discrimination
- 1714.1 Liability of parents/guardians for willful misconduct of minor

EDUCATION CODE

- 40 Prohibited sex discrimination
- 41 School-sponsored athletic programs; prohibited sex discrimination
- 200-262 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
- 51006-51007 Equitable access to technological education programs
- 51500 Prohibited instruction or activity
- 51501 Prohibited means of instruction
- 60044 Prohibited instructional materials

CODE OF REGULATIONS, TITLE 5

- 4621 District policies and procedures
- 4622 Notice requirements

UNITED STATES CODE, TITLE 42

- 2000d - 2000D-7 Title VI, Civil Rights Act of 1964
- 2000e - 2000e-17 Title VII, Civil Rights Act of 1964 as amended
- 2000h - 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

**Nondiscrimination/Harassment Policy**

Board Policy 5145.3

- 106.8 Designation of responsible employee
- 106.9 Notification of nondiscrimination on basis of sex

GOVERNMENT CODE

- Title VI Civil Rights Act of 1964
- Title VII Civil Rights Act of 1964
- Title IX Education Amendments of 1972
- Section 504 Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990 (Title II)
- Age Discrimination Act of 1975
- 34 Code of Federal Regulations

Policy: SANTA BARBARA ELEMENTARY/HIGH SCHOOL DISTRICTS  
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