

STUDENTS

Nondiscrimination/Harassment

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

The Board of Trustees 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 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 shall provide male and female students 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 which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

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

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

Director of Special Education and Student Services
Berryessa Union School District
1376 Piedmont Road
San Jose, CA 95132
(408) 923-1841

Any student who feels that he/she is being harassed should immediately contact either the nondiscrimination coordinator or the principal or designee. If a situation involving harassment is not promptly remedied by the nondiscrimination coordinator, principal or designee, a complaint may be filed with the superintendent or designee who shall determine which complaint procedure is appropriate.

Legal References: 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
59020-49023	Athletic programs
51006-51007	Equitable access to technological education programs
51500	Prohibited instruction or activity
51501	Prohibited instructional materials
<u>CIVIL CODE</u>	
1714.1	Liability of parents/guardians for willful misconduct of Minor
<u>CODE OF REGULATIONS, TITLE 5</u>	
4621	District policies and procedures
4622	Notice requirements
<u>PENAL CODE</u>	
422.6	Interference with constitutional right or privilege
<u>UNITED STATES CODE, TITLE 42</u>	
2000d-2000e-17	Title VI & VII Civil Rights Act of 1964 as amended
2000h-2-2000h-6	Title IX, 1972 Education Act Amendments
<u>CODE OF FEDERAL REGULATIONS, TITLE 34</u>	
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 for Title IX
106.9	Notification of nondiscrimination on basis of sex

Policy

Adopted: February 28, 1980

Revised Policy

Adopted: July 28, 1983

Revised Policy

Adopted: May 20, 2003
(renumbered: previously 5310)

Revised Policy

Adopted: December 11, 2012