

STUDENTS

Nondiscrimination/Harassment, Gender Identity and Access

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

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 students with appropriate bathrooms, 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 actual or perceived gender, gender identity, or gender expression, 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) 923-1828

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

Legal References:

California 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

17251 Facilities are educationally appropriate and promote safety

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

California Civil Code

1714.1 Liability of parents/guardians for willful misconduct of minor

California Code of Regulations, Title 5

4621 District policies and procedures

4622 Notice requirements

4910(k) Facilities that reflect district educational goals and objectives

California Penal Code

422. 6 Interference with constitutional right or privilege

United States Code, Title 42

2000d-2000e-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 for Title IX

106.9 Notification of nondiscrimination on basis of sex

Berryessa Union School Board Policy

4111.1 Affirmative Action for Equal Employment Opportunities and Administrative Regulation

Policy Adopted: February 11, 2014