

Tahoe Truckee USD

Administrative Regulation

Nondiscrimination/Harassment

AR 5145.3
Students

The following position is designated ~~Coordinator for Nondiscrimination~~. The district designates the individual in this position is(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable 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 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, nationality, ethnicity, immigration status, ethnic group identification, ethnicity, age, religion, marital or status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, 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 coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

~~Executive Director of Administrative Services/HR Department
11603 Donner Pass Rd,
Truckee, CA 96161
(530) 582-2500~~

Executive Director of Student Services
11603 Donner Pass Road
Truckee, CA 96161
(530) 582-2500

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.71 - Title IX Sexual Harassment 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 Chief Learning Officer or designee shall implement the following measures:

1. ~~Provide to employees, volunteers, and parents/guardians training and~~

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 by posting them in prominent locations and providing easy access to them through district-supported communications

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 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)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 5131.2 - Bullying)
(cf. 5145.9 - Hate-Motivated Behavior)

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 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 234.6)

4. Post in a prominent location on the district web site 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 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

d. A link to the Title IX information included on the California Department of Education's (CDE) web site

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 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.

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. 5145.6 - Parental Notifications)

8. Ensure that students and parents/guardians, including those 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 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 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/or 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 addressing issues related to all district students, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

~~210. 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 234.1)~~

~~3. Annually notify all students and parents/guardians of the district's nondiscrimination policy and of the opportunity to inform the Coordinator whenever a student's participation in a sex-segregated school program or activity together with another student of the opposite biological sex would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the Coordinator shall meet with the student and/or parent/guardian to determine how best to accommodate the student. The notice shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.~~

~~(cf. 5145.6 - Parental Notifications)~~

~~4. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other locations that are easily accessible to students. (Education Code 234.1)~~

~~(cf. 1113 - District and School Web Sites)~~

~~(cf. 1114 - District Sponsored Social Media)~~

~~5. When 15 percent or more of a school's students speak a single primary language other than English, translate the nondiscrimination policy, related complaint procedures, and all forms for use in the complaint process into that other language. (Education Code 234.1, 48985)~~

6. 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 234.1)

7(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate accommodation(s) assistance or resources to protect students' privacy rights and ensure their safety students from threatened or potentially harassing, intimidating, or discriminatory behavior and ensure their privacy rights.

Enforcement of District Policy

The Superintendent Chief Learning Officer or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and 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 ~~the school's response to~~ students, parents/guardians, and the community the

school's response plan to unlawful discrimination or harassment

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4119.23/4219.23/4319.23- - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against ~~perpetrators~~ students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have ~~made~~ filed a complaint of discrimination that ~~he/she~~ the student knew was not true

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

~~Any student~~

Students who ~~feels~~ feel that ~~he/she has~~ they have been subjected to unlawful discrimination, ~~including discriminatory harassment, intimidation, retaliation described above or bullying should~~ in district policy are strongly encouraged to immediately contact the ~~Coordinator, the~~ compliance officer, principal, or any other staff member. ~~-In addition, any student~~ students who ~~observes~~ observe any such incident ~~should~~ are strongly encouraged to report the incident to the ~~Coordinator~~ 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 ~~immediately~~ report the incident to the ~~Coordinator~~ 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 234.1)

~~Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3—Uniform Complaint Procedures.~~

When ~~any~~ a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is ~~submitted~~ made to or received by the principal or compliance officer,

~~he/she~~ the principal or compliance officer shall ~~inform~~ notify the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 1312.3 - Uniform 5145.71 - Title IX Sexual Harassment Complaint Procedures. ~~Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported~~ Once notified verbally or filed shall instead be submitted to the Superintendent or designee. ~~Even if the student chooses not to file a formal complaint, the principal or~~ in writing, the compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and to 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 by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent Chief Learning Officer or designee who shall determine how the complaint will be investigated.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Gender identity of a student means ~~a person's~~ the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the ~~person's~~ student's physiology or assigned sex at birth.

Gender expression means a ~~person's~~ student's gender-related appearance and behavior, whether or not stereotypically associated with the ~~person's~~ student's assigned sex at birth. (Education Code 210.7)

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

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

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Acts Transgender student means a student whose gender identity is different from the gender assigned at birth.

The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has or that have the purpose or effect of having producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are prohibited under state and federal law. sexual in nature. Examples of the 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 his/her/the student's gender identity
2. Disciplining or disparaging a ~~transgender~~ student ~~because his/her mannerisms, hairstyle, or style of dress correspond to his/her~~ excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity, or a non-transgender student because his/her mannerisms, hairstyle, or style of dress do that does not conform to stereotypes for his/her gender stereotypical notions of masculinity or are perceived femininity, as indicative of the other sex applicable
3. Blocking a student's entry to the ~~bathroom~~ restroom that corresponds to his/her/the student's gender identity ~~because the student is transgender or gender-nonconforming~~
4. Taunting a student because ~~he/she~~ the student participates 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~~ Using gender-specific slurs
7. ~~Physical assault of~~ Physically assaulting a student motivated by hostility toward ~~him/her~~ the student because of his/her the student's gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, 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 ~~his/her~~ the student's private information and the district ~~will~~ shall 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 any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student ~~discloses his/her~~ student's transgender or gender-nonconforming status shall ~~is disclosed shall~~ keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the Coordinator for Nondiscrimination/compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless ~~he/she~~ the employee is required to disclose or report the student's information pursuant to ~~law or district policy~~ this administrative regulation, and shall inform the student that ~~it~~ honoring the student's request may be impossible to accommodate limit the district's ability to meet the student's needs related to his/her ~~the student's~~ status as a transgender or gender-nonconforming student. ~~If the student permits the employee to notify the Coordinator/compliance officer, the employee shall do so within three school days.~~

As appropriate, ~~the Coordinator shall~~ given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to his/her ~~the student's~~ parents/guardians and/or others, including other students, teacher(s), or other adults on campus. ~~Any decision~~ The district shall offer support services, such as counseling, to disclose the student's students who wish to inform their parents/guardians of their status to others shall be based on the student's best interest and desire assistance in doing so.

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

2. Determining a Student's Gender Identity: The ~~Coordinator~~ compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity 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 Coordinator shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.~~

3. Addressing a Student's Transition Needs: The ~~Coordinator~~ compliance officer shall arrange a meeting with the student and, if appropriate, ~~his/her~~ the student's parents/guardians to identify ~~potential issues, including transition-related issues, and to develop strategies for addressing them.~~ ensuring that the student's access to educational programs and activities is maintained. 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 Coordinator~~compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to ~~his/her~~the student's status as a transgender or gender-nonconforming individual, so that prompt action ~~could~~can 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 for the student are meeting ~~his/her~~the student's 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~~Segregated Facilities, Programs, and Activities: ~~The~~When the district ~~may maintain~~maintains sex-segregated facilities, such as restrooms and locker rooms, ~~and/or offers~~ sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. ~~A student, students~~ shall be ~~entitled~~permitted to access facilities and participate in programs and activities consistent with ~~his/her~~their gender identity. ~~If available and requested by any student, regardless of the underlying reason, the district shall offer options to~~To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, ~~access to a staff member's office,~~ or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because ~~he/she~~the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with ~~his/her~~the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. ~~However, a~~A student's right to participate in a sex-segregated activity in accordance with ~~his/her~~the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed ~~pursuant to a court order.~~ However, at the written with proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request of a student or, if appropriate, his/her parents/guardians for a name and/or gender change through the process specified in Education Code 49070, the district shall use~~update~~ the student's ~~preferred name and~~

~~pronouns consistent with his/her gender identity on all other district-related documents-records.~~
(Education Code 49062.5, 49070)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.3 - Challenging Student Records)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the ~~pronouns~~pronoun(s) consistent with ~~his/her~~the student's gender identity, without the necessity of a court order or a change to ~~his/her~~the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns ~~shall~~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 ~~his/her~~the student's gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress ~~Code~~and Grooming)

Regulation TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT

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