

MODESTO CITY SCHOOLS

Board Policy

BP 5145.3

STUDENTS

Nondiscrimination in Education Programs and Activities

(Federal and State Law)

District education programs and activities shall be free from discrimination, intimidation, bullying, and/or harassment,* based on actual or perceived ancestry, age, color, race, religion, ethnic background or national origin, language, gender, sexual orientation, gender identity, gender expression, economic status, physical or developmental disabilities, or other special needs, parental, pregnancy, family or marital status, or association with a person or group with one or more of these actual or perceived characteristics. This policy shall apply to all acts related to school activity or school attendance within a school under the jurisdiction of the Superintendent of Modesto City Schools.

The Governing Board seeks to ensure equal opportunities for all students in admission and access to programs and courses, counseling services, athletic programs, testing procedures, vocational education, and other activities.

All school staff and volunteers should be careful to guard against discrimination and stereotyping in instruction, programming, and supervision. Any District employee with knowledge or belief of conduct that may constitute harassment, intimidation, bullying, and/or discrimination toward any person shall immediately intervene when safe to do so. In addition, the employee shall report the alleged acts immediately to an appropriate District official designated by this policy.

Students have a right to exercise complaint procedures which provide a prompt and equitable means for processing discrimination and harassment complaints (see BP 1312.3, Uniform Complaint Procedures and AR 5145.3).

Federal and state law and District policy prohibit retaliatory behavior against any complainant or any participant in the complaint process.

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The District will act to investigate all complaints, either formal or informal, verbal or written, of harassment, bullying, intimidation, and/or discrimination and take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy. The District will also act to take appropriate action against parents, community members, and visitors at school sites or school-sponsored events.

**For the purposes of this policy, discrimination, intimidation, bullying, and/or harassment are considered written, verbal, or physical acts of a severe, persistent, or pervasive nature that affect a student's ability to participate in or benefit from an educational program or activity, or create an intimidating, threatening or abusive environment.*

(cf. 1312.1, Complaints Concerning School Personnel)

(cf. 1312.3, Uniform Complaint Procedures--Title 5 CAC)

(cf. 4119.11, Sexual Harassment)

(cf. 4219.13/4319.13, Prohibition of Sexual Harassment)

(cf. 5131, Student Conduct Code, K-6)

(cf. 5132, Student Conduct Code, 7-12)

(cf. 5145.4, Principles of Rights, Responsibilities, and Respect
to Ensure a Safe School Environment)

(cf. 5145.7, Student Sexual Harassment)

Legal Reference:

Education Code

40	Prohibited sex discrimination
41	School-sponsored athletic programs; prohibited sex discrimination
200-262	Prohibition of discrimination on the basis of sex
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

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Legal Reference (cont.):

Title IX, Education Amendments of 1972
Brended v. Independent School District (Minnesota),
U.S. Circuit Court of Appeals, Eighth Circuit,
742.41 Law Week 1170
Ritacco v. Norwin School District et al.
U.S. District Court, W.D. Pennsylvania, 361 F. Supp. 930 (1973)
Gilpen v. Kansas State High School Activities Association, Inc.,
377 F. Supp. 1233 (1974)

ADOPTED: April 25, 1994
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