

**County Board Policy 5145.3: Nondiscrimination/Harassment**

**Status:** ADOPTED

**Original Adopted Date:** 01/05/2021 | **Last Reviewed Date:** 01/05/2021

The Napa County Board of Education is committed to working with the Napa County Superintendent of Schools to provide a safe school environment that allows all students equal access and opportunities in academic and other educational support programs, services, and activities. Unlawful discrimination against a student in any Napa County Office of Education (NCOE) school, program, or activity, including discriminatory harassment, intimidation, and bullying, is prohibited. Any form of retaliation against an individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination is also prohibited.

This policy shall apply to all acts related to school activity or to school attendance occurring within a NCOE school or program, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

Unlawful discrimination includes physical, verbal, nonverbal, or written conduct based on a student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or the student's association with a person or group with one or more of these actual or perceived characteristics. Unlawful discrimination also includes the creation of a hostile environment when the prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in any NCOE school, program, or activity, or the provision or receipt of educational benefits or services, such as prohibiting a student from enrolling in a class or course on the basis of the student's sex.

When, as permitted by law, the NCOE maintains sex-segregated facilities, such as restrooms and locker rooms, or sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be allowed to access facilities and participate in programs and activities, class discussions, yearbook pictures, and field trips consistent with their gender identity. Each student's gender identity shall be the gender asserted by the student. Transgender and gender-nonconforming students shall be afforded the same rights, benefits, and protections as all NCOE students.

Complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, or retaliation may be filed in accordance with the County Board's uniform complaint procedures and the processes established by the County Superintendent for investigating and resolving such complaints. Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action shall be taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, or bullying, or retaliation in violation of law, County Board policy, or other related NCOE procedures shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4.

**County Superintendent's Antidiscrimination Measures**

The County Board hereby incorporates by reference the policies, procedures, and measures implemented by the County Superintendent to prevent or address unlawful discrimination in NCOE schools, programs, and activities, including, but not limited to, the following:

1. Designation of a coordinator/compliance officer to handle complaints alleging unlawful discrimination
2. Posting of information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status in a prominent and conspicuous location on the NCOE's web site, as required pursuant to Education Code 221.61

3. Publicizing of the NCOE's nondiscrimination policies and complaint procedures
  4. Provision of training and information about the NCOE's nondiscrimination policies and complaint procedures, including information related to state and federal laws pertaining to the rights of transgender and gender-nonconforming students, to students, parents/guardians, NCOE employees, and others as applicable
  5. Establishment of a complaint process that ensures a prompt and fair resolution of complaints
  6. Provision of annual notification required by law
  7. Maintenance of student records in accordance with law
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