SP 5145.3
NON-DISCRIMINATION/HARASSMENT AND INTIMIDATION

The County Superintendent desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to opportunities in academic, extracurricular, and other educational support programs, services, and activities.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a Butte County Office of Education (BCOE) school or program, 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, and to all acts of the County Board of Education and the County Superintendent of Schools in enacting policies and procedures that govern BCOE.

The County Superintendent prohibits, at all school or school activities, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, against an individual or group based on one or a combination of two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; a 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.

Additionally, the County Superintendent prohibits teacher instruction and BCOE sponsored activities that promote discriminatory bias based on any of the characteristics specified above. Discriminatory bias in instruction and school-sponsored activities does not require a showing of direct harm to members of a protected group and members of a protected group do not need to be present while the discriminatory bias is occurring for the act to be considered discriminatory bias.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when 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 school programs or activities or the provision or receipt of educational benefits or services.

Because unlawful discrimination could occur when disciplining students, including suspension and expulsion, the County Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently and in a nondiscriminatory manner, as specified in Superintendent Policy and Administrative Regulation 5144 - Discipline, Superintendent Policy and Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).

The County Superintendent also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or refuses to participate in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The County Superintendent or designee shall facilitate students' access to the educational program by publicizing BCOE's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition,

the County Superintendent or designee shall post BCOE's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on BCOE's website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The County Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination.

The Division Superintendent or designee shall regularly review the implementation of BCOE's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in BCOE's educational program. The Division Superintendent or designee shall report the findings and recommendations to the County Superintendent after each review.

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 taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Superintendent policy, or administrative regulation shall be subject to appropriate consequences or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

Complaints alleging unlawful discrimination in BCOE programs and activities shall be , investigated and resolved in accordance with Superintendent Policy and Administrative Regulation 1312.3 - Uniform Complaint Procedures, when required by law. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Record-Keeping
The County Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable BCOE to monitor, address, and prevent repetitive prohibited behavior in BCOE schools.

Legal Reference:

State
CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor
EDUCATION CODE
17585 School modernization project; all-gender restroom
200-280 Prohibition of discrimination
35292.5 School restroom; all-gender restroom
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
48985 Notices to parents/guardians in language other than English
49020-49024 Athletic programs

Butte County Office of Education

SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60010 Instructional materials; definitions
60040-60052 Requirements for instructional materials

GOVERNMENT CODE
11135 Prohibition of discrimination
12926 Prohibition of discrimination; definitions
53080 Prohibition of discrimination on basis of sex or gender; community youth athletic programs

PENAL CODE
422.55 definition of hate crime
422.6 Crimes, harassment

CALIFORNIA CODE OF REGULATIONS. TITLE 2
14026 Discriminatory Practices and Unlawful Denial of Full and Equal Access
CALIFORNIA CODE OF REGULATIONS, TITLE 5
432 Student Records
4600-4687 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

Federal
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act
1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973; Section 504

UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act
2000d – 2000e 17 Title VI and Title VII Civil Rights Act of 1962, as amended
2000h -2-2000h-6 Title IX of the Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
104.8 Notice of Nondiscrimination on the Basis of Handicap
106.1-106.82 Discrimination on the basis of sec; effectuating Title IX

99.31 Disclosure of personally identifiable information

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Butte County Office of Education

SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

AR 5145.3

REGULATION REGARDING NON-DISCRIMINATION/HARASSMENT AND INTIMIDATION

The Butte County Office of Education (BCOE) designates the individual identified below as the employee responsible for coordinating the effort to comply with applicable state and federal civil rights laws and to answer inquiries regarding the nondiscrimination policies. The individual shall also serve as the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the Title IX Coordinator specified in AR 5145.7- Sexual harassment as the responsible employee to handle complaints alleging unlawful sexual harassment, as permitted by law. The compliance officer may be contacted at:

Assistant Superintendent, Human Resources
1859 Bird Street
Oroville, CA 95965
(530) 532-5650

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at BCOE schools or in school activities and to ensure equal access of all students to the educational program, the County Superintendent or designee shall implement the following measures:

1. Publicize the BCOE nondiscrimination policy and related complaint procedures, including the 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 (BCOE)-supported communications
2. Post policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all references described in Education Code 234.6 as possible forums for social media, in a prominent location on the BCOE website in a manner that is easily accessible to parents/guardians and students
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 BCOE website in a manner that is easily accessible to parents/guardians and students
4. Post in a prominent location on the BCOE website in a manner that is easily accessible to parents/guardians and student information regarding Title IX prohibitions against discrimination based on a student's sex, including the following:
    a. The name and contact information of the Title IX Coordinator, including the phone number and email address
    b. The rights of students and the public and the responsibilities of BCOE 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:
        i. 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
        ii. 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 website
        iii. 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) website
5. Post CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the BCOE

6. 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 web site in a manner that is easily accessible to parents/guardians and students
7. Provide to students a handbook that contains age-appropriate information that clearly describes the nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior
8. Annually notify all students and parents/guardians of the nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all 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 implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, BCOE will address any individual student's interests and concerns in private
9. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the BCOE 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 school speak a single primary language other than English, the 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, BCOE shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.
10. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the 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 BCOE may use to provide a discrimination-free environment for all students.
11. Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics in Penal Code 422.55, including immigration status; Education Code 220; and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics
12. Until the 2029-2030 school year, provide annually to certificated employees serving students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3
13. 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.
14. At the beginning of each school year, inform each principal or designee of the BCOE/school responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in Superintendent Policy are strongly encouraged to immediately contact the compliance officer, Title IX Coordinator, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer, Title IX Coordinator, or principal, regardless of whether 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 report the incident to the compliance officer, Title IX Coordinator, or principal within a one workday , 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.

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal, compliance officer, or Title IX Coordinator, the principal compliance officer, or Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and 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, Title IX Coordinator, 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 or designee who shall determine how the complaint will be investigated.

Support for Intersex, Nonbinary, Transgender and Gender-Nonconforming Students
Gender refers to a student's sex, and includes a student's gender identity and gender expression.

Gender identity refers to a student's gender-related identity, appearance, or behavior as determined from the student's internal sense, regardless of whether that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression refers to a student's gender-related appearance and behavior, whether stereotypically associated with the student's 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 refers to when a student's gender expression differs from stereotypical expectations.
Intersex refers to when a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

Nonbinary refers to when a student whose gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether or not the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

Transgender refers to when a student whose gender identity is different from the sex assigned at birth.

BCOE shall ensure that all students, regardless of sex, gender, gender identity or gender expression, are afforded the same rights, benefits, and protections provided to students by law and Board policy. To do so, the County Superintendent or designee shall address each situation that arises on a case-by-case basis and in accordance with the following guidelines:

1. Acceptance of a Student's Gender Identity: The Butte County Office of Education shall accept the student's assertion of the student's gender identity and treat the student consistent with that gender identity unless the student's parent/guardian objects or BCOE staff present a credible and supportable basis for believing that the student's assertion is for an improper purpose
2. Use of Names and Pronouns: Upon request by a student, BCOE personnel shall address the student by the requested name and pronoun(s), without the necessity of a court order or a change to the student's mandatory permanent student record, unless the student's parent/guardian objects BCOE personnel shall be consistent in

the use of the student's name and pronoun such that the same name and pronoun is used when addressing the student at school as when speaking to the student's parent/guardian in regard to the student. Inadvertent slips or honest mistakes by BCOE personnel in the use of the student's name and/or pronouns may not constitute a violation of this administrative regulation or the accompanying Board policy.

3. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When BCOE maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity unless the student's parent/guardian objects

   Additionally, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by sex, such as for class discussions, yearbook pictures, and field trips unless the student's parent/guardian objects.

   To address any student's privacy concerns in using sex-segregated facilities, BCOE shall consider offering 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, or use of the locker room before or after the other students. However, in no case shall BCOE require a student to utilize these options because of the student's sex, gender, gender identify, or gender expression. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

   Beginning July 1, 2026, each school shall provide and maintain at least one all-gender restroom for student use that meets the requirements of Education Code 35292.5.
4. Adherence to Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site, which may not discriminate on the basis of sex, gender, gender identity or gender expression
5. Equal Access to Educational Programs and Activities: Upon request by a student based on the student's gender identity or gender expression, the Compliance Officer shall identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained, unless the student's parent/guardian objects to doing so. The Compliance Officer shall consider the rights of all students and how those rights may affect and be affected by the rights of other students. Additionally, the Compliance Officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's sex, gender, gender identity, or gender expression so that prompt action 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 arrangements for the student are providing equal access to programs and activities.
6. Right to privacy: A student's sex, gender, gender identity, and gender status is private information BCOE may only disclose such information to others when the disclosure is required or permitted by law, with the student's prior written consent, or when BCOE has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being.
7. Student Records: A student's sex and legal name shall be maintained as part of a student's mandatory permanent student record as specified in 5 CCR 432 and shall only be changed with proper documentation

   When a request to change a student's gender or name is submitted without proper documentation, any change to the student's gender or name shall be applied only to documents not included in the mandatory permanent student record such as attendance sheets, report cards, and school identification. However, no such change shall be made if the student's parent/guardian objects. The County Superintendent or designee shall follow this guideline such that it does not change or alter the obligations of BCOE to maintain student records in accordance with Superintendent Policy/Administrative Regulation 5125 - Student Records, and to ensure access to such records in accordance with Superintendent Policy/Administrative Regulation 1340 - Access to Records.

BCOE prohibits any act of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of 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 sexual in nature. Examples of the types of conduct which are prohibited 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 the student's gender identity
2. Disciplining a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity
3. Blocking, prohibiting, or restricting a student's entry to the restroom that corresponds to the student's gender identity
4. Disclosing student records that reveal a student's gender identity to individuals who do not have a legitimate need for the information except as permitted by law
5. Verbally or physically assaulting a student because of the student's sex, gender, gender identity, or gender expression, including, but not limited to, causing, attempting to cause, threatening to cause, or participating in an act of hate violence on the basis of sex, gender, gender identity, or gender expression

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