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Manual de políticas de la junta

[\(/Policy/PolicyPrintGenerator.aspx?S=36030423&revid=GdPNNskIW37kNRwL84Ij\\$g==\)](#)

[> \(/Policy/ViewPolicy.aspx?S=36030423&revid=LHRvuErnUnXneslshODP6q5rw==&ptid=amIgtZiB9plushNjI6WXhfOQ==&PG=6\)](#)

>> Política 5145.3: No discriminación / acoso

Estado: ADOPTADO

Fecha de adopción original: 05/07/2019

[ver más](#)

La Mesa Directiva desea proporcionar un ambiente escolar seguro que permita a todos los estudiantes el mismo acceso y oportunidades en los programas, servicios y actividades académicos, extracurriculares y de apoyo educativo del distrito. La Junta prohíbe, en cualquier escuela del distrito o actividad escolar, la discriminación ilegal, incluido el acoso discriminatorio, la intimidación y el acoso, dirigido a cualquier estudiante por cualquier persona, en función de la raza, color, ascendencia, nacionalidad, origen nacional, inmigración real o percibida del estudiante, estado, identificación del grupo étnico, origen étnico, edad, religión, estado civil, embarazo, estado parental, discapacidad física o mental, sexo, orientación sexual, género, identidad de género, expresión de género o información genética,

(cf.0410 - No discriminación en programas y actividades del distrito)

(cf.5131 - Conducta)

(cf.5131.2 - Intimidación)

(cf.5137 - Ambiente escolar positivo)

(cf.5145.7 - Acoso sexual)

(cf.5145.9 - Comportamiento motivado por el odio)

(cf.5146 - Estudiantes casados / embarazadas / con hijos)

(cf.6164.6 - Identificación y educación bajo la Sección 504)

Esta política se aplicará a todos los actos relacionados con la actividad escolar o la asistencia a la escuela que ocurran dentro de una escuela del distrito, y a los actos que ocurran fuera del campus o fuera de las actividades relacionadas o patrocinadas por la escuela, pero que puedan tener un impacto o crear un ambiente hostil en la escuela.

La discriminación ilegal, incluido el acoso discriminatorio, la intimidación o el acoso escolar, puede resultar de una conducta física, verbal, no verbal o escrita basada en cualquiera de las categorías enumeradas anteriormente. La discriminación ilegal también incluye la creación de un ambiente hostil a través de una conducta prohibida que es tan severa, persistente o generalizada que afecta la capacidad del estudiante para participar o beneficiarse de un programa o actividad educativa; crea un entorno educativo intimidante, amenazante, hostil u ofensivo; tiene el efecto de interferir sustancial o irrazonablemente con el desempeño académico de un estudiante; o de otra manera afecta de manera adversa las oportunidades educativas de un estudiante.

La discriminación ilegal también incluye el trato desigual de los estudiantes basado en una de las categorías anteriores con respecto a la provisión de oportunidades para participar en programas o actividades escolares o la provisión o recepción de beneficios o servicios educativos.

La Junta también prohíbe cualquier forma de represalia contra cualquier individuo que informe o participe en el informe de discriminación ilegal, presente o participe en la presentación de una queja, o investigue o participe en la investigación de una queja o informe que alegue discriminación ilegal. Las quejas por represalias se investigarán y resolverán de la misma manera que una queja por discriminación.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and 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 Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1330 - Use of Facilities)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

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, Board policy, or administrative regulation 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. 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.

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

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(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. 5145.2 - Freedom of Speech/Expression)

Record-Keeping

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 432	Student records ()
5 CCR 4600-4670	Uniform complaint procedures ()
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs ()
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1714.1&lawCode=CIV)
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex (http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=1&chapter=2&part=1&lawCode=EDC&title=1&article=1)
Ed. Code 48900.3	Suspension or expulsion for act of hate violence ()
Ed. Code 48900.4	Suspension or expulsion for threats or harassment ()
Ed. Code 48904	Liability of parent/guardian for willful student misconduct ()
Ed. Code 48907	Student exercise of free expression ()
Ed. Code 48950	Freedom of speech ()
Ed. Code 48985	Translation of notices ()
Ed. Code 49020-49023	Athletic programs ()
Ed. Code 49060-49079	Student records ()
Ed. code 49060-49079	Student records ()
Ed. Code 51500	Prohibited instruction or activity ()
Ed. Code 51501	Prohibited means of instruction ()
Ed. Code 60044	Prohibited instructional materials ()
Gov. Code 11135	Nondiscrimination in programs or activities funded by state ()
Pen. Code 422.55	Definition of hate crime ()
Pen. Code 422.6	Crimes, harassment ()
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972 ()
28 CFR 35.107	Nondiscrimination on basis of disability; complaints ()
29 USC 794	Rehabilitation Act of 1973, Section 504 ()
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin ()
34 CFR 104.7	Designation of responsible employee for Section 504 ()
34 CFR 104.8	Notice ()
34 CFR 106.8	Designation of responsible employee for Title IX ()
34 CFR 106.9	Notification of nondiscrimination on basis of sex ()
34 CFR 110.25	Prohibition of discrimination based on age ()
34 CFR 99.31	Disclosure of personally identifiable information ()
42 USC 12101-12213	Title II equal opportunity for individuals with disabilities ()
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended ()
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964 ()
42 USC 6101-6107	Age Discrimination Act of 1975 ()
Management Resources	Description

Management Resources

CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018 ()
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567 ()
Court Decision	Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130 ()
CSBA Publication	Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017 ()
First Amendment Center Publication	Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006 ()
U.S Dept of Ed Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70 ()
U.S. Dept of Health & Human Services Publication	Guid. to Fed Fin. Assist. Recipients Re. Title VI Prohibition Against Nat'l Origin Discrimination Affect Limited English Proficient Persons, Aug. 2013 ()
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010 ()
U.S. DOE, Office for Civil Rights Publication	Notice of Non-Discrimination, Fact Sheet, August 2010 ()
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016 ()
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015 ()
Website	First Amendment Center (http://www.firstamendmentcenter.org)
Website	California Office of the Attorney General (http://oag.ca.gov)
Website	California Safe Schools Coalition (http://www.casafeschools.org)
Website	U.S. Department of Education, Office for Civil Rights (http://www.ed.gov/about/offices/list/ocr/index.html)
Website	CSBA (http://www.csba.org)
Website	California Department of Education (http://www.cde.ca.gov)

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities (/Policy/ViewPolicy.aspx?S=36030423&revid=5yutNvcHOGFqnGJr3pXmwg==)
0415	Equity (/Policy/ViewPolicy.aspx?S=36030423&revid=UgcTYyt5rmh4VABHuogPSQ==)
0450	Comprehensive Safety Plan (/Policy/ViewPolicy.aspx?S=36030423&revid=38M3plusyIKZo8XYle7P3GP0Q==)
0450	Comprehensive Safety Plan (/Policy/ViewPolicy.aspx?S=36030423&revid=Sj5zSgyyrNBvtYKU40ciqw==)
0470	COVID-19 Mitigation Plan (/Policy/ViewPolicy.aspx?S=36030423&revid=md0YtLOSRIHDUg9CPebBQw==)
1312.1	Complaints Concerning District Employees (/Policy/ViewPolicy.aspx?S=36030423&revid=leptDQ05dd516NZVGEWQOg==)
1312.1	Complaints Concerning District Employees (/Policy/ViewPolicy.aspx?S=36030423&revid=W7HWiXTnyAG32YSr7cvQZA==)
1312.1-E(1)	Complaints Concerning District Employees (/Policy/ViewPolicy.aspx?S=36030423&revid=2807NyiEW9ZaOjeCr4X1TA==)
1312.3	Uniform Complaint Procedures (/Policy/ViewPolicy.aspx?S=36030423&revid=DXSQYKuplusSjV4vOBjJMxGxw==)
1312.3	Uniform Complaint Procedures (/Policy/ViewPolicy.aspx?S=36030423&revid=XG9QQ3LjO3CXZ1L6m8Bf3Q==)
1312.3-E(1)	Uniform Complaint Procedures (/Policy/ViewPolicy.aspx?S=36030423&revid=AwO0tQbELgudlOzCcf9A==)
1312.3-E(2)	Uniform Complaint Procedures (/Policy/ViewPolicy.aspx?S=36030423&revid=E3FpJ2NKw0ZtIX8aQQmtRg==)
3515.4	Recovery For Property Loss Or Damage (/Policy/ViewPolicy.aspx?S=36030423&revid=mjhlpluslshplusY8Cgslshkq80iwDplusqw==)
3515.4	Recovery For Property Loss Or Damage (/Policy/ViewPolicy.aspx?S=36030423&revid=z1bBsTOc6WxZUdJuMTAwg==)
3530	Risk Management/Insurance (/Policy/ViewPolicy.aspx?S=36030423&revid=plusHPwh8cRrjkslplusToplusplusu7Q==)
3553	Free And Reduced Price Meals (/Policy/ViewPolicy.aspx?S=36030423&revid=MmUlf6KPOAIEI7L3TQcnwA==)
3553	Free And Reduced Price Meals (/Policy/ViewPolicy.aspx?S=36030423&revid=c2slshuYojQbStmyaMslshSC6iBw==)
4131	Staff Development (/Policy/ViewPolicy.aspx?S=36030423&revid=8TDJYesitqSiBt3Nw9BV6w==)
4219.21	Professional Standards (/Policy/ViewPolicy.aspx?S=36030423&revid=BFcoZKPC3oplRmslshL3eD9g==)
4219.21-E(1)	Professional Standards - Code Of Ethics (/Policy/ViewPolicy.aspx?S=36030423&revid=SfDFoh59Jslsh7o2Y48Sj3XA==)
4231	Staff Development (/Policy/ViewPolicy.aspx?S=36030423&revid=aGzFmKsYlF6tQBxOq1bFrQ==)
4319.21	Professional Standards (/Policy/ViewPolicy.aspx?S=36030423&revid=AN0udUYklakG8cjkfkslshrYfA==)
4319.21-E(1)	Professional Standards (/Policy/ViewPolicy.aspx?S=36030423&revid=haGH2Tf3kwfMEiARmSlshg1EQ==)

Code	Description
5000	Concepts And Roles (/Policy/ViewPolicy.aspx?S=36030423&revid=I1APpluseAb4dLQeNx0KAfPtA==)
5030	Student Wellness (/Policy/ViewPolicy.aspx?S=36030423&revid=sIsh7jhluslyGRcKMLnPcXLmaxDw==)
5111	Admission (/Policy/ViewPolicy.aspx?S=36030423&revid=OwlYAx3ppiuCZXGZ1slshbf9w==)
5111	Admission (/Policy/ViewPolicy.aspx?S=36030423&revid=ajOwJnclDyUArIDRAeMm7g==)
5113.1	Chronic Absence And Truancy (/Policy/ViewPolicy.aspx?S=36030423&revid=hSplusyCylc0r9txuFKeg3o9g==)
5113.1	Chronic Absence And Truancy (/Policy/ViewPolicy.aspx?S=36030423&revid=56s8EWkVbuFwoQ1GgPFikg==)
5113.12	District School Attendance Review Board (/Policy/ViewPolicy.aspx?S=36030423&revid=Q3eeFn7VuXMoBODMslshydyQw==)
5113.12	District School Attendance Review Board (/Policy/ViewPolicy.aspx?S=36030423&revid=tqx3ZfeQT1e1tsG4DjkvA==)
5125	Student Records (/Policy/ViewPolicy.aspx?S=36030423&revid=plusAc3wfJrXvm28jplusOj2itw==)
5125	Student Records (/Policy/ViewPolicy.aspx?S=36030423&revid=5e8CQRplusc2r225ijuzLZmw==)
5125.1	Release Of Directory Information (/Policy/ViewPolicy.aspx?S=36030423&revid=9ILBUNFLfUnSk7HNplusFu58Q==)
5125.1	Release Of Directory Information (/Policy/ViewPolicy.aspx?S=36030423&revid=k9VwOvnAPKfNrOqS1g04fA==)
5125.1-E(1)	Release Of Directory Information (/Policy/ViewPolicy.aspx?S=36030423&revid=NMfbHzvpVrslshKrySLdnOJvA==)
5131	Conduct (/Policy/ViewPolicy.aspx?S=36030423&revid=9DepluscKplusf76YM3Mwu0FZoBQ==)
5131.2	Bullying (/Policy/ViewPolicy.aspx?S=36030423&revid=8eS1sOTDSkpQLxWdxK7dXw==)
5131.2	Bullying (/Policy/ViewPolicy.aspx?S=36030423&revid=3QKhk1yHOSlshAAKLefa7CjRw==)
5131.5	Vandalism And Graffiti (/Policy/ViewPolicy.aspx?S=36030423&revid=eslshL00slshsX7hOplus4R5adhCA==)
5132	Dress And Grooming (/Policy/ViewPolicy.aspx?S=36030423&revid=JgyGeplusHD5H8tAJurhslshplus0Sg==)
5132	Dress And Grooming (/Policy/ViewPolicy.aspx?S=36030423&revid=5XUplusad9plusUBCIEFteZozCXA==)
5137	Positive School Climate (/Policy/ViewPolicy.aspx?S=36030423&revid=4g4TSySTH8Ts6GhEslshzkuQ==)
5138	Conflict Resolution/Peer Mediation (/Policy/ViewPolicy.aspx?S=36030423&revid=C2TABhx0tDiwnMeEO37bIA==)
5141.27	Food Allergies/Special Dietary Needs (/Policy/ViewPolicy.aspx?S=36030423&revid=0EgopZKlplussbJ8g9plussue8Q==)
5141.27	Food Allergies/Special Dietary Needs (/Policy/ViewPolicy.aspx?S=36030423&revid=HXtplusvQCLhRSzYmF6Sk7IA==)
5141.4	Child Abuse Prevention And Reporting (/Policy/ViewPolicy.aspx?S=36030423&revid=UA56c0feiVCEQMMuR2oCBw==)
5141.4	Child Abuse Prevention And Reporting (/Policy/ViewPolicy.aspx?S=36030423&revid=dl4sLB5lulwtU3BUOhVfCw==)
5141.52	Suicide Prevention (/Policy/ViewPolicy.aspx?S=36030423&revid=uWteOeICOb0bOquUluplusysg==)
5141.52	Suicide Prevention (/Policy/ViewPolicy.aspx?S=36030423&revid=Xlx3AMzyu1LjzrpckpiV8Q==)
5144	Discipline (/Policy/ViewPolicy.aspx?S=36030423&revid=8Yc435RYkTOlSx4fplusvPxA==)
5144	Discipline (/Policy/ViewPolicy.aspx?S=36030423&revid=nOyzwzSQmQfslshYhVqYEZ0Pw==)
5144.1	Suspension And Expulsion/Due Process (/Policy/ViewPolicy.aspx?S=36030423&revid=Uu9dkxB7IN59E6JkF5IB2Q==)
5144.1	Suspension And Expulsion/Due Process (/Policy/ViewPolicy.aspx?S=36030423&revid=FamGI9IFANWcccRFntk0Yw==)
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) (/Policy/ViewPolicy.aspx?S=36030423&revid=Uec9n10litXKETbqxLNirw==)
5145.12	Search And Seizure (/Policy/ViewPolicy.aspx?S=36030423&revid=cqGk2HhTcm2Rs5MLNmuqGg==)
5145.12	Search And Seizure (/Policy/ViewPolicy.aspx?S=36030423&revid=e9HyXeuNIINv8t19plusafREw==)
5145.2	Freedom Of Speech/Expression (/Policy/ViewPolicy.aspx?S=36030423&revid=Z9VqrDh0cti2ao52kcFOKg==)
5145.2	Freedom Of Speech/Expression (/Policy/ViewPolicy.aspx?S=36030423&revid=Nrv38R502zSWgtDx45mYyQ==)
5145.7	Sexual Harassment (/Policy/ViewPolicy.aspx?S=36030423&revid=QxknxIKrOh2bzwzQZeTkmg==)
5145.7	Sexual Harassment (/Policy/ViewPolicy.aspx?S=36030423&revid=w9XZYOAzDm1plusjWoYZmvslishA==)
5145.7-E(1)	Sexual Harassment (/Policy/ViewPolicy.aspx?S=36030423&revid=VI4i5gTnClNplusXrS4v5oTug==)
5145.9	Hate-Motivated Behavior (/Policy/ViewPolicy.aspx?S=36030423&revid=R7g8gJSMmkWKpOfQVBaARQ==)
5145.9-E(1)	Hate-Motivated Behavior - Hate Motivated Behavior (/Policy/ViewPolicy.aspx?S=36030423&revid=IRnGy7Xplus6Ro3uVZdl545Bw==)
5146	Estudiantes casados / embarazadas / con hijos (/Policy/ViewPolicy.aspx?S=36030423&revid=swm0xCrP1616kkfAslshMAF1w==)
6142.1	Instrucción sobre salud sexual y prevención del VIH / SIDA (/Policy/ViewPolicy.aspx?S=36030423&revid=CzCYldMplus1jMiyCZJJonv1w==)

Code	Description
6142.1	Instrucción sobre salud sexual y prevención del VIH / SIDA (/Policy/ViewPolicy.aspx?S=36030423&revid=05n0bchusRhs3Hz1JrQLcA==)
6142.8	Educación integral en salud (/Policy/ViewPolicy.aspx?S=36030423&revid=ruijWvjtaJqI25DKIbApzOw==)
6142.8	Educación integral en salud (/Policy/ViewPolicy.aspx?S=36030423&revid=ocxEtVCMesXYBtGO511klg==)
6143	Cursos de estudio (/Policy/ViewPolicy.aspx?S=36030423&revid=8U75h5rrQjJVHe46yvB75Q==)
6143	Cursos de estudio (/Policy/ViewPolicy.aspx?S=36030423&revid=PgC28lj4oAplusslsh1ZvHlPz3gA==)
6144	Problemas controverciales (/Policy/ViewPolicy.aspx?S=36030423&revid=77hgrxhR4ipCGJV5OcZwgQ==)
6145	Actividades extracurriculares y cocurriculares (/Policy/ViewPolicy.aspx?S=36030423&revid=HslshjkFslsh6plusCU8gxETT8Qslshplusg==)
6145	Actividades extracurriculares y cocurriculares (/Policy/ViewPolicy.aspx?S=36030423&revid=s7aFtPwgae7qF49plusnPqtHQ==)
6145.2	Competición Atlética (/Policy/ViewPolicy.aspx?S=36030423&revid=aX8Q6O56VEmr1C0nCd7WZA==)
6145.2	Competición Atlética (/Policy/ViewPolicy.aspx?S=36030423&revid=XI37WKytQjnfovY1BU67QQ==)
6163.4	Uso de la tecnología por parte de los estudiantes (/Policy/ViewPolicy.aspx?S=36030423&revid=946n1vx6t4TXhYAb671a3A==)
6163.4	Uso de la tecnología por parte de los estudiantes (/Policy/ViewPolicy.aspx?S=36030423&revid=slshDRY35PUA63jD1Q76DEhIQ==)
6164.2	Servicios de orientación / asesoramiento (/Policy/ViewPolicy.aspx?S=36030423&revid=rwWogzQAHSenS3PMT8slshazg==)
6173.1	Educación para jóvenes de crianza (/Policy/ViewPolicy.aspx?S=36030423&revid=p7yklKCYZCtIDBZD7sy5Cg==)
6173.1	Educación para jóvenes de crianza (/Policy/ViewPolicy.aspx?S=36030423&revid=0AALsSlshvNslshTSGWmZKaUItrw==)
6175	Programa de educación migrante (/Policy/ViewPolicy.aspx?S=36030423&revid=1MNwws9H8mNXi6LINUYX6Q==)
6175	Programa de educación migrante (/Policy/ViewPolicy.aspx?S=36030423&revid=Ud81q2BxiAVG3rZ267ojHg==)

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Versión: 19.0.0.2