

**Policy 5145.3: Nondiscrimination/Harassment**

**Status:** ADOPTED

**Original Adopted Date:** 08/20/2008 | **Last Revised Date:** 07/17/2024 | **Last Reviewed Date:** 07/17/2024

The West Contra Costa Unified School District Board of Education, hereinafter referred to as the Board, is committed to equal opportunity for all individuals in education within a safe school environment that allows all students equal access and opportunities to all of the district's programs and activities, including academic programs, educational support, services, and enrichment activities.

The Board is committed to providing a safe educational environment and positive school climate to all students. In the West Contra Costa Unified School District, all students have the right to be educated in a positive and safe environment that is free from harassment and discrimination.

The Board is committed to providing a safe school environment that allows all students equal access and opportunities in the District's academic and other educational support programs, services, and activities.

This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the local educational agency, and all acts of the governing board or body of the local educational agency, the superintendent of the school district, and the county superintendent of schools in enacting policies and procedures that govern the local educational agency.

The Board prohibits, at any district school, school activity, or attendance within a school under the jurisdiction of the superintendent of the school district, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, immigration status, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or gender expression; 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. For questions or complaints, contact Equity Compliance Officer|Title IX Coordinator: Jose Espinoza, 1108 Bissell Avenue, Richmond, CA 94801, (510) 231-1118, email: [jespinoza2@wccusd.net](mailto:jespinoza2@wccusd.net), and Section 504: Executive Directors' Office by school area. Area 1- DiShawn Givens, Area 2 - Jawan Eldridge, Area 3 - Vacant, 1108 Bissell Ave., Richmond, CA 94801, (510) 231-1483.

Gender identity is a person's personal sense of gender (e.g., being a boy or a girl), which may or may not be the same as their biological sex at birth. For transgender persons, the sex at birth (i.e., male or female) does not match their own internal sense of their gender identity. Since gender identity is internal, it isn't necessarily visible to others. Gender expression is a person's external manifestation of their gender identity. Gender expression is visible to others - it's the way a person expresses their gender identity through clothing, behavior, posture, mannerisms, speech patterns, activities and more.

The Board prohibits discrimination or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to conduct that interferes with student's ability to participate in or benefit from school services, activities or privileges.

The Board hereby designates the following person as Compliance Officer to handle complaints regarding discrimination and inquiries regarding the district's nondiscrimination policies:

Jose Espinoza  
Director, Office of Educational Equity | Title IX Coordinator | Equity Compliance Officer  
1108 Bissell Avenue,  
Richmond, CA 94801  
Tel: (510) 231-1118  
Email: [jespinoza2@wccusd.net](mailto:jespinoza2@wccusd.net)

Any student who feels they are being or have been harassed while on school grounds, while going to or coming from school, while at school activities on or off school grounds, while on district transportation, or while otherwise in a district program or activity is encouraged to immediately contact a teacher or any other employee. Any student who observes an incident of harassment should report the harassment to a school employee, whether or not the victim files a complaint.

An employee who receives such a complaint, otherwise becomes aware, or personally observes possible harassment shall intervene when it is safe to do so and immediately report it to the District's Compliance Officer or the principal or vice principal of the relevant school site. Such reports will be processed in accordance with Administrative

Regulation 5145.7.

adopted: August 20, 2008

revised: March 26, 2014

revised: April 23, 2014

revised: October 17, 2018

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**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 References

5 CCR 432

5 CCR 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Ed. Code 17585

Ed. Code 200-270

Ed. Code 33353

Ed. Code 35292.5

Ed. Code 48900.3

Ed. Code 48900.4

Ed. Code 48900.5

Ed. Code 48904

Ed. Code 48907

Ed. Code 48950

Ed. Code 48985

Ed. Code 49020-49023

Ed. Code 49060-49079

Ed. Code 51204.5

Ed. Code 51500

Ed. Code 51501

Ed. Code 60010

Ed. Code 60040-60052

Gov. Code 11135

Pen. Code 422.55

Pen. Code 422.6

### Description

[Student records](#)

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

[Liability of parent or guardian for act of willful misconduct by a minor](#)

[School modernization project; all-gender restroom](#)

[Prohibition of discrimination](#)

[California Interscholastic Federation; standardized incident form](#)

[School restrooms; all-gender restrooms](#)

[Suspension or expulsion for act of hate violence](#)

[Suspension or expulsion for harassment, threats, or intimidation](#)

[Suspension; other means of correction](#)

[Liability of parent/guardian for willful student misconduct](#)

[Exercise of free expression; time, place, and manner rules and regulations](#)

[Speech and other communication](#)

[Notices to parents in language other than English](#)

[Athletic programs](#)

[Student records](#)

[Social sciences instruction; contributions of specified groups](#)

[Prohibited instruction or activity](#)

[Nondiscriminatory subject matter](#)

[Instructional materials; definition](#)

[Requirements for instructional materials](#)

[Prohibition of discrimination](#)

[Definition of hate crime](#)

[Crimes; harassment](#)

### Federal References

20 USC 1681-1688

28 CFR 35.107

29 USC 794

34 CFR 100.3

### Description

Title IX of the Education Amendments of 1972; discrimination based on sex

[Nondiscrimination on basis of disability; complaints](#)

[Rehabilitation Act of 1973; Section 504](#)

[Prohibition of discrimination on basis of race, color or national origin](#)

## Federal References

	Description
34 CFR 104.7	<a href="#">Section 504; Designation of responsible employee and adoption of grievances procedures</a>
34 CFR 104.8	<a href="#">Notice of Nondiscrimination on the Basis of Handicap</a>
34 CFR 106.1-106.82	<a href="#">Discrimination on the basis of sex; effectuating Title IX</a>
34 CFR 106.30	Discrimination on the basis of sex; definitions
34 CFR 110.25	<a href="#">Prohibition of discrimination based on age</a>
34 CFR 99.31	<a href="#">Disclosure of personally identifiable information</a>
42 USC 12101-12213	<a href="#">Americans with Disabilities Act</a>
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	<a href="#">Age Discrimination Act of 1975</a>

## Management Resources References

	Description
CA Office of the Attorney General Publication	<a href="#">Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024</a>
CA Office of the Attorney General Publication	<a href="#">Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018</a>
California Department of Education Publication	California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	<a href="#">Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024</a>
CSBA Publication	<a href="#">Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024</a>
CSBA Publication	<a href="#">Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024</a>
CSBA Publication	<a href="#">Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022</a>
Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
U.S DOE, Office for Civil Rights Publication	<a href="#">Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, &amp; the US DOJ, CRD (2013) OCR 09-12-1020, DOJ 169-12C-70</a>
U.S. Department of Education Publication	<a href="#">Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</a>
U.S. Dept. of Health & Human Services Publication	<a href="#">Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2013</a>
U.S. DOE & U.S. DOJ Civil Rights Divisions Pub	<a href="#">Resource on Confronting Racial Discrimination in Student Discipline, May 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023</a>

**Management Resources References**

U.S. DOE, Office for Civil Rights Publication

Website

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Website

Website

Website

Website

Website

**Description**

[Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County, June 2021](#)

[Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023](#)

[U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023](#)

[Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022](#)

[Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973](#)

[Dear Colleague Letter: Race and School Programming, August 2023](#)

[CSBA District and County Office of Education Legal Services](#)

[First Amendment Center](#)

[California Interscholastic Federation](#)

[California Office of the Attorney General](#)

[California Safe Schools Coalition](#)

[CSBA](#)

[California Department of Education](#)

[U.S. Department of Education, Office for Civil Rights](#)

**Cross References**

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**Description**

[Nondiscrimination In District Programs And Activities](#)

[Equity](#)

[Comprehensive Safety Plan](#)

[Volunteer Assistance](#)

[Complaints Concerning District Employees](#)

[Complaints Concerning District Employees](#)

[Complaints Concerning Instructional Materials](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Williams Uniform Complaint Procedures](#)

[Williams Uniform Complaint Procedures](#)

[Access To District Records](#)

[Access To District Records](#)

[Recovery For Property Loss Or Damage](#)

[Recovery For Property Loss Or Damage](#)

[Risk Management/Insurance](#)

[Risk Management/Insurance](#)

[Free And Reduced Price Meals](#)

[Free And Reduced Price Meals](#)

[District Records](#)

**Cross References**

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**Description**[District Records](#)[Employee Notifications](#)[Dismissal/Suspension/Disciplinary Action](#)[Dismissal/Suspension/Disciplinary Action](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Professional Standards](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Staff Development](#)[Employee Notifications](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Professional Standards](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Staff Development](#)[Employee Notifications](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Professional Standards](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Staff Development](#)[Concepts And Roles](#)[Student Wellness](#)[Admission](#)[Chronic Absence And Truancy](#)[Student Records](#)[Student Records](#)[Release Of Directory Information](#)[Conduct](#)[Bullying](#)[Bullying](#)[Dress And Grooming](#)[Positive School Climate](#)[Conflict Resolution/Peer Mediation](#)[Infectious Diseases](#)[Food Allergies/Special Dietary Needs](#)[Child Abuse Prevention And Reporting](#)[Suicide Prevention](#)[Suicide Prevention](#)[Discipline](#)

**Cross References**

5144.1

5144.1

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**Description**[Suspension And Expulsion/Due Process](#)[Suspension And Expulsion/Due Process](#)[Suspension And Expulsion/Due Process \(Students With Disabilities\)](#)[Search And Seizure](#)[Freedom Of Speech/Expression](#)[Parent/Guardian Notifications](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)[Hate-Motivated Behavior](#)[Married/Pregnant/Parenting Students](#)[Sexual Health And HIV/AIDS Prevention Instruction](#)[Comprehensive Health Education](#)[Courses Of Study](#)[Controversial Issues](#)[Extracurricular And Cocurricular Activities](#)[Athletic Competition](#)[Athletic Competition](#)[School-Sponsored Trips](#)[Behavioral Interventions For Special Education Students](#)[Behavioral Interventions For Special Education Students](#)[Selection And Evaluation Of Instructional Materials](#)[Supplementary Instructional Materials](#)[Library Media Centers](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Guidance/Counseling Services](#)[Education For Foster Youth](#)