

Students

BP 5145.3(a)

NONDISCRIMINATION/TOLERANCE

Students/Staff

The Hermosa Beach City School District is committed to providing a safe and supportive school environment. Members of the school community are expected to treat each other with mutual respect and to accept the rich diversity. Disrespect among members of the school community, which threatens to disrupt the learning environment and decrease self-esteem is unacceptable behavior. The Board directs the Superintendent/designee to investigate and develop programs and procedures that promote a respectful atmosphere throughout the District.

District programs and activities shall be free from discrimination, including harassment or bullying. The District does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The District will foster an environment that promotes respect and encourages anyone who believes he or she is the victim of discrimination or harassment to report this to the proper school authorities for investigation. The District will not tolerate retaliation for anyone reporting discrimination or harassment.

The District prohibits intimidation or harassment of any student by any employee, student or other person in the district, including but not limited to all teachers, support staff, administrators, bus drivers, facilities workers, cafeteria workers, coaches, school board members and agents of the school. Staff shall be alert and immediately respond to conduct which may interfere with another's ability to participate in or benefit from school services, activities or privileges and which has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile or offensive environment.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 6164.6 - Identification and Education Under Section 504)

Policies and procedures related to harassment must also be consistent with First Amendment rights to free speech. Education Code 48950 specifically states that it does not prohibit discipline for harassment, threats or intimidation unless constitutionally protected. As a general rule, harassment, threats and intimidation directed at an individual or group are not constitutionally protected, and whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved.

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

(cf. 5145.7 - Sexual Harassment)

Students who harass other students or engage in retaliation for a reported harassment shall be subject to appropriate counseling and discipline, up to and including expulsion. An employee

Students

BP 5145.3(b)

NONDISCRIMINATION/TOLERANCE (continued)

who permits or engages in harassment or engages in retaliation for a reported harassment may be subject to disciplinary action, up to and including dismissal.

Harassment can include any unwelcome verbal, written or physical conduct, which offends, denigrates or belittles any individual. Such conduct includes, but is not limited to unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures including electronically and technologically transferred information (email, chat rooms, web pages).

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Any student who feels that he/she is being harassed he/she should file a complaint in accordance with administrative regulations. The Superintendent or designee shall determine which complaint procedure is appropriate. The Superintendent is designated as the individual responsible for inquiries regarding implementation of this nondiscrimination policy and can be reached at 1645 Valley Drive, Hermosa Beach, CA 90254 or by telephone at (310) 937-5877.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

Students

BP 5145.3(c)

NONDISCRIMINATION/TOLERANCE (continued)

Legal Reference:

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

EDUCATION CODE

40 Prohibited sex discrimination

200-262 Prohibition of discrimination on the basis of sex

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 speech51006-51007 Equitable access to technological education programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CODE OF REGULATIONS, TITLE 5

4621 District policies and procedures

4622 Notice requirements

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & VII. Civil Rights Act of 1964 as amended

2000h-2 et seq. Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3a Prohibition of discrimination on basis of race, color or national origin

106.8 Designation of responsible employee

106.9 Notification of nondiscrimination on basis of sex