



**Policy: 3210**  
**Section: 3000 - Students**

## **Nondiscrimination**

The district is committed to complying with anti-discrimination laws.

### **Definition**

"Protected status" is short for the phrase "sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability."

### **Nondiscrimination Statement**

The district will adopt a nondiscrimination statement that must include the following:

1. Notice that the district may not discriminate in any programs or activities based on sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal.
2. The name or title, office address, and telephone number of the employee designated as the compliance officer under this policy, the Section 504 Coordinator, and the Title IX Coordinator.
3. Notice that the district provides equal access to the Boy Scouts of America and any other youth group listed in Title 36 of the United States Code as a patriotic society.

The district will include this statement in written announcements, notices, recruitment materials, employment application forms, and other publications made available to all students, parents, or employees.

The district may combine the statement described above with the notice described in Policy 3205.

### **Model Student Handbook Language**

The district will adopt the model student handbook language described in RCW 28A.300.286 and include the language in any student, parent, employee, and volunteer handbook it or its schools publish and on its and its schools' websites.

### **Discriminatory Harassment**

Students have a right to be free from discriminatory harassment. The district violates that right if the following conditions are met:

1. The alleged conduct is based on a student's protected status.
2. The alleged conduct creates a hostile environment. A hostile environment is created if the alleged conduct is sufficiently severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the district's course offerings, including any educational program or activity. A hostile environment could impact a student's life in many ways. Physical illness, anxiety about going to school, or a decline in grades or attendance could signal a hostile environment.
3. After receiving notice of the alleged conduct, the district fails to take prompt and appropriate action to investigate it or fails to take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects as

Commented [A1]: WAC 392-190-060(3)(a)-(c).

Commented [A2]: RCW 28A.300.286.

Commented [A3]: WAC 392-190-0555.

Commented [A4]: This language comes from OSPI's Prohibiting Discrimination in Washington Public Schools guidelines.

appropriate. The district has notice of discriminatory harassment if a reasonable employee knew or, in the exercise of reasonable care, should have known about the harassment. Employees may have notice of discriminatory harassment if they receive an oral report from a student, parent, or other individual; receive a written complaint; witness harassing conduct; or become aware of harassment by members of the community or the media.

Harassing conduct may include verbal acts and name-calling, graphic and written statements, or other conduct that may be physically threatening, harmful, or humiliating.

When the district receives notice of potential discriminatory harassment, it will take prompt and appropriate action to investigate and, as applicable, take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. Examples of the steps the district might take include imposing discipline, separating individuals, developing a safety plan, offering counseling, and providing additional training and instruction. These steps will not penalize the student who was harassed.

#### **Complaint Procedure**

The district will adopt a complaint procedure in accordance with chapter 392-190 WAC.

Annually, the district will publish a notice of the complaint procedure in a way that is reasonably calculated to inform all students, parents, and employees of it. The district will provide the notice in a language each parent can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for those with limited English proficiency.

The district will not adopt any policy, procedure, or practice that would limit a person's right to file a complaint under the complaint procedure.

#### **Compliance Officer**

The superintendent will designate an employee who is responsible for monitoring and coordinating the district's compliance with chapter 392-190 WAC and the guidelines the Office of the Superintendent of Public Instruction has adopted under WAC 392-190-005.

The compliance officer is responsible for ensuring that all complaints filed under the complaint procedure are promptly investigated and resolved.

#### **Training**

The district will train all administrators, certificated personnel, and classroom personnel regarding their responsibilities under this policy and chapter 392-190 WAC. The training will aim to raise awareness of and eliminate bias based on sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal.

#### **Retaliation Prohibited**

The district will not intimidate, threaten, coerce, or discriminate against any individual who seeks to secure their rights under this policy or chapter 392-190 WAC or because the individual has filed a complaint under the complaint procedure. Further, the district will not tolerate someone else retaliating against another because they sought to secure their rights under this policy or chapter 392-190 WAC or because they have filed a complaint under the complaint procedure.

Any person who retaliates will be subject to appropriate discipline.

The district will provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without discrimination based on race, religion, creed, color, national origin, age, honorably discharged veteran or military status, sex, sexual orientation, gender expression or identity, marital status, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability. The district will provide equal access to school facilities to the Boy Scouts of America and all other designated youth groups listed in Title 36 of the United States Code as a patriotic society. District programs will be free from sexual harassment. Auxiliary aids and services will be provided upon request to individuals with disabilities.

Conduct against any student that is based on one of the categories listed above that is sufficiently severe, persistent or pervasive as to limit or deny the student's ability to participate in or benefit from the district's course offerings; educational programming or any activity will not be tolerated. When a district employee

**Commented [A5]:** This language comes from OCR's Harassment based on Race, Color, or National Origin on School Campuses guidance.

**Commented [A6]:** This language comes from OSPI's Prohibiting Discrimination in Washington Public Schools guidelines.

**Commented [A7]:** This language comes from OSPI's Prohibiting Discrimination in Washington Public Schools guidelines.

**Commented [A8]:** WAC 392-190-065.

**Commented [A9]:** WAC 392-190-060(2).

**Commented [A10]:** WAC 392-190-060(4).

**Commented [A11]:** WAC 392-190-060(1).

**Commented [A12]:** WAC 392-190-020.

**Commented [A13]:** WAC 392-190-060(4).

~~knows, or reasonably should know, that such discriminatory harassment is occurring or has occurred, the district will take prompt and effective steps reasonably calculated to end the harassment, prevent its recurrence and remedy its effects.~~

~~The district's nondiscrimination statement will be included in all written announcements, notices, recruitment materials, employment applications, and other publications made available to all students, parents, or employees. The statement will include: 1) notice that the district will not discriminate in any programs or activities on the basis of any of the above-listed categories; 2) the name and contact information of the district's compliance officer designated to ensure compliance with this policy; and 3) the names and contact information of the district's Section 504 and Title IX compliance officers.~~

~~The district will annually publish notice reasonably calculated to inform students, students' parents/guardians (in a language that they can understand, which may require language assistance), and employees of the district's discrimination complaint procedure.~~

~~The superintendent will designate a staff member to serve as the compliance officer for this policy. The compliance officer will be responsible for investigating any discrimination complaints communicated to the district.~~

~~The district will provide training to administrators and certificated and classroom personnel regarding their responsibilities under this policy and to raise awareness of and eliminate bias and discrimination based on the protected classes identified in this policy.~~

Cross References:

2020 - Course Design, Selection and Adoption of Instructional Materials  
2030 - Service Animals in Schools  
2140 - Guidance and Counseling  
2150 - Co-Curricular Program  
2151 - Interscholastic Activities  
[3205 - Sex Discrimination and Sex-Based Harassment of Students Prohibited](#)  
[3206 - Pregnant and Parenting Students](#)  
[3207 - Prohibition of Harassment, Intimidation and Bullying Students](#)  
3211 - Gender-Inclusive Schools  
4217 - Effective Communication  
4260 - Use of School Facilities

Legal References:

Chapter 28A.640 RCW Sexual ~~E~~quality  
Chapter 28A.642 RCW Discrimination ~~P~~rohibition  
Chapter 49.60 RCW Discrimination ~~and~~ Human ~~R~~ights ~~C~~ommission  
[RCW 28A.300.286 Discrimination, harassment, intimidation, and bullying—Policies and complaint procedures—Posting of model student handbook language](#)  
[Chapter 392-190 WAC Equal Educational Opportunity—Unlawful Discrimination Prohibited](#)[392-190-020 Training](#)[and Staff responsibilities](#)[and Bias awareness](#)  
[20 U.S.C. §§ 1681–1688 Title IX of the Education Amendments of 1972](#)[WAC 392-190-060 Compliance](#) ~~and~~ School district designation of responsible employee ~~and~~ Notification  
20 U.S.C. [§ 7905](#) Boy Scouts of American Equal Access Act  
[42 U.S.C. §§ 2000d, et seq. Title VI of the Civil Rights Act of 1964](#)  
42 U.S.C. [§§ 12101–12213](#) Americans with Disabilities Act  
[34 CFR Part 100 Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Education Effectuation of Title VI of the Civil Rights Act of 1964](#)

[34 CFR 104 Nondiscrimination on the basis of handicap in programs or activities receiving federal financial assistance](#)

[34 CFR Part 106 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance](#)

Management Resources:

- 2016 - March Issue
- 2014 - December Issue
- 2013 - April Issue
- 2012 - December Issue
- 2011 - June Issue
- Policy News, August 2007 Washington [□□□](#)s Law Against Discrimination

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