A–3500 No student shall be excluded from participation in, be denied the benefits of, or otherwise be discriminated, harassed, intimidated or bullied against in district educational programs by reason of any of the following actual or perceived characteristics: actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, ancestry, national origin, race or ethnicity, religion, color, mental or physical disability, gender expression, gender identity, nationality, age, creed, or marital status, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics. Discrimination is also prohibited based on a student’s actual or potential parental, family or marital status.

a. In order to ensure equal access to educational opportunity for all students, the Board of Education has adopted a policy governing equity in student placement.

b. Students shall be assigned to classes or sections of a course in such a manner that each class or section is representative as to gender and ethnicity of the total population of students meeting the criteria for placement in each grade level, class, or course.

c. This policy applies to all acts related to school activity or school attendance within a school under the jurisdiction of the superintendent of the school district.

d. School personnel must take immediate steps to intervene when it is safe to do so and when he or she witnesses an act of discrimination, harassment, intimidation or bullying.

Proposed Changes to Board Policies  
(Approved by CDE)

San Diego Unified School District is committed to making the educational environment for students free from sexual harassment and discrimination. Sexual harassment is a form of sex discrimination under Title IX of the Education Amendments of the Civil Rights Act of 1972 and is prohibited by both Federal and State laws. The district prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. Sexual harassment is defined in the Education Code to mean unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the educational setting.

The district prohibits conduct that has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or that is sufficiently severe, persistent, or pervasive to create an intimidating, hostile, or offensive work or educational environment.

The district further prohibits sexual harassment that conditions a student’s academic status, progress, benefits, services, honors, program, or activities based on submission to such conduct.

The district prohibits retaliation against any person who complains, testifies, assists or participates in district complaint procedures.

The Superintendent or his/her designee shall ensure that district students receive age-appropriate instruction about their rights to be free from sexual harassment, the district procedure for reporting and investigating complaints of sexual harassment including with whom a complaint should be filed.

Any student who feels that he/she is being, or has been, sexually harassed by a school employee, another student, or a non-employee at school or at a school-related activity, shall immediately contact his/her teacher or any other district employee. An employee who receives such a complaint shall report it in accordance with administrative procedures. The Superintendent or his/her designee shall ensure that any complaint received is investigated in accordance with district administrative procedures and that school personnel take immediate steps to intervene, when safe to do so, when they witness any act of harassment.

If a complaint of sexual harassment is validated, the superintendent or his/her designee shall take prompt, appropriate actions to end the harassment and to address its effects on the victim.

When an allegation of sexual harassment is validated by the investigation and disciplinary action is necessary, the Superintendent will determine the appropriate course of action, depending upon whether the harasser is a student, staff member or agent of the district.
Employees who violate this policy may be subject to discipline, up to and including dismissal. Any disciplinary action shall be in accordance with the applicable policies, law and/or collective bargaining agreements.

Students who violate this policy may be subject to discipline, up to and including expulsion, in accordance with district policy, administrative procedures and state law.

(Approved 5–11–93, 2-24-15. Related Procedures 0112, 1700, 6290, 6295.)
Proposed Changes to Board Policies
(Approved by CDE)

Married/Pregnant Students

F–2600 Board of Education policy and district regulations govern the enrollment and placement of married and/or pregnant and/or male or female parenting students.

a. When any member of a school staff, certificated or classified obtains information that a student in the school is pregnant or seeking counseling or care related to pregnancy or any options related to pregnancy, this information shall be handled in the manner prescribed by Administrative Procedure 4255.

b. Marriage does not end the compulsory attendance requirement. Married students have a legal right to attend school; marriage itself is not grounds for exclusion, exemption, or transfer.

c. Pregnant students and parenting male or female students are not excluded from participation in their regular school programs or required to participate in pregnant-student programs or alternative educational programs.

d. Pregnant/parenting students who voluntarily participate in alternative programs will be given educational programs, activities and courses equal to the regular program.

e. Pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom shall be treated in the same manner and under the same policies as any other temporary disability.