

NEA MODEL POLICY AGAINST DISCRIMINATION BASED ON RACE, RELIGION, AND NATIONAL ORIGIN

Discrimination and Harassment Based on Race, Religion, and National Origin Prohibited

All students in our school district are entitled to be treated equally without discrimination based on race, color, national origin, or religion. The school district will not tolerate bullying or harassment of students based on race, color, national origin, or religion. In order to ensure any such conduct is promptly stopped and appropriate remedial action is taken, the school district adopts this policy for handling and resolving any complaints of such discrimination or harassment.

Scope

This policy applies to the entire school community, including educators, school and District staff, students, parents, and volunteers. This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, and at bus stops. This policy also applies to electronic technology and electronic communication that occurs in school, on school property, at school-sponsored functions and activities, on school buses or vehicles, at bus stops, and on school computers, networks, forums, and mailing lists, as well as electronic communication that occurs off school property that will foreseeably reach the school campus and cause a substantial disruption at school.

Definitions

BULLYING means written, verbal or physical conduct, or electronic communication, that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities by placing the student (or students) in reasonable fear of physical harm. Such bullying may consist of comments and conduct directed at a student either directly or indirectly, whether through electronic communications, in person comments or otherwise.

HARASSMENT means written, verbal or physical conduct, or electronic communication, that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities because the conduct is so severe, persistent or pervasive. Such harassment may consist of comments and conduct directed at a student either directly or indirectly, whether through electronic communications, in person comments or otherwise.

NATIONAL ORIGIN discrimination or harassment involves treating someone unfavorably because they are from a particular country or part of the world, because of their ethnicity or accent, or because they are perceived to be from a certain ethnic background (even if they are not).

RACE discrimination or harassment involves treating someone unfavorably because they are of a certain race (or are perceived to be of a certain race) or because they have personal characteristics associated with that race (such as hair texture, skin color, or certain facial features).

COLOR discrimination or harassment involves treating someone unfavorably because of their skin color or complexion.

RELIGIOUS discrimination involves treating someone unfavorably because of their perceived or actual religious beliefs, practices, customs, or heritage, or because of stereotypes about such religions regardless of whether the religions are the traditional, organized religions (such as Buddhism, Christianity, Hinduism, Islam, and Judaism) or another religion.

Religious Expression

Any school uniform policy or practice will accommodate students whose religious beliefs are burdened by a uniform requirement. Students may display religious messages on clothing to the same extent they are permitted to display comparable secular messages.

Students shall have the right to wear clothes that are expressive of their religious traditions, customs, and beliefs, including but not limited to, yarmulkes, hijabs, headscarves, and other religiously influenced head or body coverings.

Student Speech

Students shall have the right to exercise freedom of speech and of the press at school. But the right to exercise freedom of speech does not justify harassing, bullying, or intimidating actions or speech that deprive or diminish other students' right to an equal education.

Staff Advocacy for Students' Rights

All staff shall have the right to inform students of their legal and constitutional rights to be free from discrimination and harassment in school, as well as their rights under this policy. Staff shall have discretion as to how to convey those messages. Classroom posters, signs, and other classroom postings making clear that the classroom is a welcome place for all students shall be encouraged and not prohibited.

Investigation, Remedy and Prevention Procedure

The school district encourages anyone—student, parent or guardian, volunteer, educator, or staff member—who witnesses harassment or discrimination based on a student's actual or perceived race, religion or national origin to report the conduct to school staff. All school staff are required to promptly share any such reports to the school district administrator, whom each school district has designated to accept and process such complaints.

Complaints may be made orally or in writing. Complaints should not be dismissed for any technical reason. If additional information is needed, the designated administrator must take reasonable measures to obtain the necessary information. Anonymous reports of bullying,

harassment, and cyberbullying shall be accepted and investigated in the same way as other reports.

Upon receiving a complaint for harassment, bullying, or retaliation, the designated administrator shall:

1. Take immediate steps to protect any involved students, educators, or staff;
2. Promptly and thoroughly investigate the alleged bullying or harassment;
3. Determine if bullying or harassment occurred;
4. If the administrator determines that harassment or bullying occurred, take immediate action to prevent any further harassment or bullying and to prevent future occurrences;
 - a. Such actions should include, depending on the circumstances, counseling or discipline of the harassing or bullying student, but counseling shall be favored over discipline; and
 - b. Actions addressing any systemic issues needed to prevent recurrence of the harassment and bullying. Where a school has experienced more than one act of bullying or harassment against students of a particular race, religion, or national origin, whether actual or perceived, the remedy shall include systemic responses such as curricula changes, professional development for staff, and/or Know Your Rights trainings for parents and students.
5. The administrator shall also promptly provide a written report to district administration and all involved students, parents, and educators, regarding the complaint, investigation, and any measures taken to remedy the harassment or bullying and prevent future occurrences. Such report shall preserve in confidence the names of the individuals involved to the greatest extent possible.
6. The administrator shall maintain written or electronic records of each complaint and its investigation and resolution including the final report and the implementation of any and all remedial actions taken.

A complainant or victim of harassment, bullying, or retaliation (or parent or guardian) has the right to appeal the designated school administrator's handling of the complaint to the Superintendent of the School District.

Should that occur, the Superintendent (or independent designee) shall conduct an independent review to determine whether the designated administrator (1) correctly analyzed the complaint; (2) conducted a sufficient investigation of the incident; (3) made a proper determination about whether bullying, harassment, or retaliation occurred; and (4) took adequate action to remedy past bullying, harassment, or retaliation, and prevent future occurrences.

Retaliation Prohibited

The school district prohibits retaliation against any individual who reports discrimination or harassment of any student on the basis of race, religion or national origin or who participates in an investigation of such a report. Retaliation is any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable

manner an action believed to constitute a violation of this policy. Examples of retaliations include termination, demotion, refusal to promote, denial of equal educational opportunities, or any other adverse employment or school action that would discourage a reasonable person from opposing perceived discrimination and/or harassment.

There will be no retaliation by the school district against anyone who makes a good faith complaint about harassment or discrimination or who, in good faith, reports or provides information in the course of the investigation of such complaints. A complaint that such retaliation has occurred will be investigated and resolved in the same manner as other complaints under this policy. If the investigation determines that retaliation has occurred, appropriate corrective action will be taken.

Enrollment

The school's enrollment practices may not treat immigrant students or families less favorably than any other students or families. No school may require that students or their families show a particular proof of residency, such as a driver's license or state-issued identification, to enroll. Driver's license or state-issued identifications can be allowed, but cannot be required. Schools may, however, require proof of residency in the form of other documentation including: utility bills, such as phone, water, or gas bills; lease agreements or mortgage documents; and affidavits from a parent, guardian or other relative.

Homeless students, including undocumented homeless students, are exempt from any documentation requirements in order to establish residency. A homeless child shall never be required to show any documentation relating to proof of residency in order to enroll in public school.

District personnel shall not inquire about or record a student's or a family member's immigration status, and pursuant to the Family Education Rights and Privacy Act ("FERPA"), shall not disclose, without parental consent, the immigration status of any student or other personally identifiable information.

Equal Access to Educational Programs for Immigrant Students and Families

District personnel shall treat all students, regardless of immigration status, equitably in the receipt of all school services, including but not limited to, the free and reduced lunch program, transportation, and educational instruction.

The District will

1. Offer counseling that adequately acknowledges the impact of immigration status on students and their family members;
2. Offer Know Your Rights presentations to students and parents in their preferred language; and
3. Ensure that students are aware of opportunities to gain access to college, in-state tuition, financial aid, scholarships, internships and career opportunities, regardless of their status.

To establish a support system for immigrant students, the District shall establish on-campus resource centers for immigrant students and their families and shall establish at least one immigrant liaison, with expertise in immigrant and undocumented populations.

Distribution and Implementation of the Policy

This policy shall be distributed to students and staff annually, and be made part of student codes of conduct, student handbooks, and school and district websites.

Staff Anti-Harassment Training and Professional Development

All staff are to be trained on this policy. Such training shall include: (1) how to report harassment, bullying, or retaliation; and (2) how to respond to incidents of bullying or harassment that staff witness.

Those who lead or co-lead the anti-harassment training, as well as the school district administrator of this policy, should themselves receive specific and appropriate training in issues related to race, color, national origin, religion, and cultural awareness and competency.

Staff shall also be provided professional development programs that provide them with, among other things: (i) developmentally and age-appropriate strategies to prevent bullying and harassment; (ii) developmentally and age-appropriate strategies for immediate, effective interventions to stop bullying and harassment; (iii) training on the complex interaction and power differential between harassers, victims, and witnesses to bullying and harassment; (iv) research on the causes and effects of bullying and harassment including information about specific categories of students who are particularly at risk for bullying and harassment; and (v) training on identifying cyberbullying and other internet safety issues.

Staff shall also receive necessary support to successfully teach students who come from cultures other than their own. Staff are entitled to district-sponsored and district-funded training, aimed at developing personal and interpersonal awareness and sensitivities, understanding of certain bodies of cultural knowledge, and mastery of a set of skills that, taken together, underlie effective cross-cultural teaching.

Student Anti-Harassment and Bullying Curriculum

As part of each school's regular curriculum, at least annually, schools shall provide education for all students (using age-appropriate materials) regarding tolerance, diversity, and respect for others. This shall include grade and age-appropriate education about the prohibition of harassment and discrimination on the basis of race, color, national origin, and religion and the District's policies with respect to such harassment and discrimination. The curriculum will also include instruction on how to prevent bullying and harassment; on how to make complaints; and on what will occur should students engage in harassment or bullying.

Anti-Harassment Trainings

All anti-harassment trainings shall include, at a minimum, the following:

1. Instruction on the type of conduct that constitutes race, color, national origin, or religion harassment and a discussion about the negative impact that bullying and harassment have on students, employees, and the educational environment, including the long-term impact of bullying and harassment on the students who are bullied and harassed and on the offending students themselves;
2. Discussion of the importance of, sensitivity to, and respect for the diversity of the student body;
3. A facilitated discussion of the root causes of specific forms of harassment that bear emphasis in the particular school.
 - a. For example, if religious and national origin harassment against Muslim students persists in a particular school then education should focus on Muslim history and contributions as well as education about religious and national origin harassment in particular and the harms resulting from such conduct, including but not limited to, issues related to backlashes that occur after terrorist events and the perpetuation of negative stereotypes impacting the Sikh, Muslim, Arab-American, and South Asian communities;
 - b. For example, if racial and national origin harassment against immigrant students or those perceived as immigrants persists in a particular school then education about the history and contributions of immigrants should be had as well as a discussion about immigration harassment in particular and the harms resulting from such conduct, including but not limited to the perpetuation of negative stereotypes impacting immigrant communities;
4. Identification of designated staff at each school who are available to answer questions or address concerns regarding the harassment policies and procedures or other issues related to bullying and harassment;
5. Instruction that when race, color, national origin, or religious harassment occurs, staff should inform students who bully or harass others that the District accepts and respects the dignity of all students and that harassing comments or actions are inappropriate, harmful, and disruptive, and will not be tolerated at school.