

Orange County School of the Arts
Non-Discrimination Policy

The Orange County School of the Arts (“OCSA”) is committed to providing equal opportunity for all individuals in OCSA programs and activities. OCSA programs, activities, practices, and employment shall be free from unlawful discrimination, including discriminatory harassment, sexual harassment, intimidation, and bullying against an individual or group based on the individual’s actual or perceived race, color, ancestry, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression; a perception of one or more of such characteristics; or association with a person or a group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance, and to acts which occur off campus or outside of school-related or school-sponsored activities which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discriminatory harassment, sexual harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student’s ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student’s academic performance; or otherwise adversely affects a student’s educational opportunities.

Unlawful discrimination also includes disparate treatment of individuals based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

OCSA also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Chief Executive Officer or designee shall facilitate access to OCSA’s educational program by publicizing OCSA’s nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Chief Executive Officer or designee shall post OCSA’s policies prohibiting discrimination, harassment, intimidation, and bullying on OCSA’s web site in a manner that is easily accessible to parents/guardians and students, in accordance with law.

The Chief Executive Officer or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community’s understanding of the requirements of law related to discrimination. The Chief Executive Officer or designee shall regularly review the implementation of OCSA’s nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in OCSA’s educational program. The Chief

Executive Officer or designee shall report the findings and recommendations to the Board after each review.

Students who engage in unlawful discrimination, including discriminatory harassment, sexual harassment, intimidation, bullying, or retaliation in violation of law or OCSA policy shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, sexual harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in OCSA policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint. OCSA's compliance officer may be contacted at:

OCSA Assistant Principal of Facilities and Supervision
1010 North Main Street, Santa Ana, CA 92701
(714) 560-0900, ext. 6400
William.wallace@ocsarts.net

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in OCSA's Uniform Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, sexual harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Any report or complaint alleging of unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Chief Executive Officer or designee who shall determine how the complaint will be investigated.

Nondiscrimination in OCSA Programs and Activities

All individuals shall be treated equitably in the receipt of OCSA services. Personally identifiable information collected in the implementation of any OCSA program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Chief Executive Officer or designee authorizes its use for another purpose in accordance with law. Resources and data collected by OCSA shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

The Chief Executive Officer or designee shall annually review OCSA programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing OCSA programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Chief Executive Officer or designee shall report his/her findings and recommendations to the Board after each review.

All allegations of unlawful discrimination in OCSA programs and activities shall be investigated and resolved in accordance with the procedures specified in OCSA's Uniform Complaint Procedures.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Chief Executive Officer or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about OCSA's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by OCSA. The notification shall also be posted on OCSA's web site and in school, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Chief Executive Officer or designee. (Education Code 234.7)

OCSA's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of OCSA's students speak a single primary language other than English, those materials shall be translated into that other language.

Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

OCSA prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited by OCSA, and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity.
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable.
3. Blocking a student's entry to the restroom that corresponds to his/her gender identity.
4. Taunting a student because the student participates in an activity more typically favored by a student of the other sex.
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent.
6. Using gender-specific slurs.
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression.

OCSA's Uniform Complaint Procedures shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by OCSA of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and OCSA policy, OCSA shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. **Right to privacy:** A student's transgender or gender-nonconforming status is the student's private information and OCSA shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when OCSA has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, OCSA shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by OCSA pursuant to 34 CFR 99.31. Any OCSA employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to an OCSA employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this policy, and shall inform the student that honoring the student's request may limit OCSA's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. OCSA shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless OCSA personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as a transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically

to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When OCSA maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in sex-segregated facilities, OCSA shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after other students. However, OCSA shall not require a student to utilize these options because the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.
5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, OCSA shall update the student's records. (Education Code 49062.5, 49070)
6. **Names and Pronouns:** If a student so chooses, OCSA personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official OCSA record. However, inadvertent slips or honest mistakes by OCSA personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this policy.
7. **Uniforms/Dress Code:** A student has the right to dress in a manner consistent with the student's gender identity.

Access for Individuals with Disabilities

OCSA programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing OCSA facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Chief Executive Officer or designee shall develop a transition plan that sets forth the steps for completing the changes.

The Chief Executive Officer or designee shall ensure that OCSA provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to OCSA web sites,

notetakers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Chief Executive Officer or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

The individual identified in OCSA's Uniform Complaint Procedures as the employee responsible for coordinating OCSA's response to complaints and for complying with state and federal civil rights laws is hereby designated as OCSA's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to OCSA programs, services, activities, or facilities. The coordinator/compliance officer may be contacted at: (Education Code 234.1; 5 CCR 4621)

OCSA Assistant Principal of Facilities and Supervision
1010 North Main Street, Santa Ana, CA 92701
(714) 560-0900, ext. 6400
William.wallace@ocsarts.net

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying of OCSA students and to ensure equal access of all students to the educational program, the Chief Executive Officer or designee shall implement the following measures:

1. Publicize OCSA's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through OCSA-supported communications.
2. Post OCSA's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying in a prominent location on OCSA's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)
3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on OCSA's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)
4. Post in a prominent and conspicuous location on OCSA's web site, in a manner that is easily accessible to parents/guardians and students, information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.61, 234.6)
 - a. The name and contact information of OCSA's Title IX coordinator, including the phone number and email address.
 - b. The rights of students and the public and the responsibilities of OCSA under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the

Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR).

- c. A description of how to file a complaint of noncompliance with Title IX in accordance with OCSA's Uniform Complaint Procedures, which shall include:
 - (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations.
 - (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site.
 - (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office.
 - d. A link to the Title IX information included on the California Department of Education's (CDE) web site.
5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on OCSA's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)
 6. Provide to students a handbook that contains age-appropriate information that clearly describes OCSA's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
 7. Annually notify all students and parents/guardians of OCSA's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from OCSA's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, OCSA will address any individual student's interests and concerns in private.
 8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in OCSA's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled speak a single primary language other than English, OCSA's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, OCSA shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding OCSA's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines OCSA may use to provide a discrimination-free environment for OCSA students, including transgender and gender-nonconforming students.
10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
11. At the beginning of each school year, inform OCSA's principal or designee of OCSA's responsibility to provide appropriate assistance or resources to protect students from threatening or potentially discriminatory behavior and ensure their privacy rights.

Enforcement of OCSA Policy

The Chief Executive Officer or designee shall take appropriate actions to reinforce OCSA's Nondiscrimination Policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond.
3. Disseminating and/or summarizing OCSA's policy regarding unlawful discrimination.
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community, the school's response plan to unlawful discrimination or harassment.
5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of OCSA policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true.

Record-Keeping

The Chief Executive Officer or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, sexual harassment, intimidation, or bullying, to enable OCSA to monitor, address, and prevent repetitive prohibited behavior.