

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION**

Students

SEXUAL HARASSMENT

The County Superintendent and County Board do not discriminate on the basis of sex in any of their programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The County Superintendent and County Board are committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. Sexual harassment, as defined in Administrative Regulation 5145.7, targeted at any student, is prohibited.

Additionally, retaliatory behavior or action against any person who reports, files a complaint, testifies about, assists with, or otherwise supports a complainant in alleging sexual harassment, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy is prohibited. (Education Code 220.1, 221.8; 34 CFR 106.71)

Students who feel that they are being or have experienced sexual harassment, on County Superintendent/County Board school or program grounds or at a County Superintendent/County Board school-sponsored or school-related activity, or off-campus when the conduct has a continuing effect on campus, are strongly encouraged to immediately contact their teacher, the lead site administrator, the County Superintendent's Title IX Coordinator, or any other available school or program employee.

Any employee who receives a report or observes an incident of sexual harassment by or against a student in a County Superintendent or County Board education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure the complaint alleging sexual harassment is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of the Title IX procedure concurrently meets the requirements of the uniform complaint procedures.

The Title IX Coordinator shall offer and coordinate supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The County Superintendent or designee shall inform students and parents/guardians of this policy in the manner specified in the accompanying administrative regulation.

The County Superintendent or designee shall ensure that all County Superintendent staff are trained regarding this policy, and that employees required to receive training related to their duties under Title IX receive training as specified in 34 CFR 106.45.. (Government Code 12950.1; 2 CCR 11023, 11024; 34 CFR 106.45)

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
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All County Superintendent and County Board students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the County Superintendent's and County Board's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the County Superintendent will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of sexual harassment, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion

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pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Record-Keeping

Records shall be maintained in accordance with law, including in accordance with Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures, and applicable policies and regulations, of all reported cases of sexual harassment to enable the County Superintendent and County Board to monitor, address, and prevent repetitive harassing behavior in schools and programs.

Adopted: 03/21/2013

Amended: 10/15/2020, 04/20/2023, 08/15/2024, 08/21/2025

LEGAL REFERENCE

Education Code

200-262.1 Prohibition of discrimination on the basis of sex

220.1 Prohibition of retaliation related to educational equity

220.3 Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression

220.5 Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression

35292.5 School restrooms; all-gender restrooms

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

49060-49079 Student records

Civil Code

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

Government Code

12950.1 Sexual harassment training

Code of Regulations, Title 5

432 Student records

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

United States Code, Title 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

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1681-1688 Title IX of the Education Amendments of 1972

United States Code, Title 34

12291 Definition of dating violence, domestic violence, and stalking

United States Code, Title 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

Code of Federal Regulation, Title 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 Nondiscrimination on the basis of sex in education programs

Court Decisions

Tennessee v. Cardona (2024) 737 F.Supp.3d 510

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

MANAGEMENT RESOURCES

California Department of Education Publications

California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158:
Guidance for Changing a Student's Gender in CALPADS, July 2019

CSBA Publications

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Federal Register

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal
Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896

United States Department of Justice Publication

Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule,
February 4, 2025

Websites

California Department of Education: <https://www.cde.ca.gov/>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>