

COMMUNITY CONVERSATIONS
DRAFT MODEL ANTI-DISCRIMINATION POLICY FOR DISTRICTS AND CHARTER SCHOOLS

REQUIRED LANGUAGE is italicized

The _____ School District/Charter School (hereinafter referred to as “The District/Charter School”) recognizes that all schools in Delaware should be welcoming, inclusive places where students are able to learn, achieve, and flourish without unlawful discrimination. It is the District/Charter School policy that no student shall be treated differently, separately, or have any action directly affecting him or her taken on the basis of race, ethnicity, color, religion, national origin, sex, gender, sexual orientation, genetic information, marital status, disability, age, gender identity or expression or any other characteristic protected by state or federal law in any educational program or education activity.

This policy reflects the provisions of 14 DE Admin. Code 225 Prohibition of Discrimination.

DEFINITIONS (Additional definitions may be added by School District or Charter School)

The below words and terms, when used in this policy, shall have the following meaning unless the context clearly indicates otherwise:

“Educational Program and Activity” mean an activity or program for providing education made available, sponsored or supervised by a Charter School or School District.

“Extra-Curricular Activity” means a student activity made available, sponsored or supervised by a School District or Charter School not falling within the scope of required Charter School or School District activities or relating to formally or informally approved and usually organized student activities connected with the Charter School or School District and not carrying academic credit.

“Protected Characteristic(s)” means race, ethnicity, color, religion, national origin, sex, gender, sexual orientation, genetic information, marital status, disability, age, gender identity or expression or other characteristic protected by state or federal law.

POLICY

The _____ School District/Charter School personnel and students are strictly prohibited from engaging in any form of discrimination or retaliation. Prohibited behaviors may include, but are not limited to [note – the policy must include any conduct specifically identified as discriminatory in 14 DE Admin. Code 255]:

- *Discriminating against a student with regard to access to or scheduling into a course or unit of study on the basis of Protected Characteristic(s).*
- *Utilizing Protected Characteristic(s) as limiting factors in career determination while providing*

career and educational guidance.

- Utilizing instructional materials in a manner that encourages discrimination of individuals based on Protected Characteristic(s).
- Prohibiting a student's access to locker rooms or bathrooms on the basis of the student's gender identity or expression.
- Expressing slurs, jokes or remarks that are derogatory, demeaning, threatening or suggestive to a class of persons or a particular student or that promote stereotypes of persons with a Protected Characteristic(s).
- Engaging in discrimination between persons of different races or ethnicities, or even between persons of the same race or ethnicity because of their skin color, complexion or tone.
- Prohibiting a student from being excused from lunch or breakfast because their religion.
- Treating students unfavorably or favorably because they are from a particular country or part of the world because of ethnicity or accent or because they appear to be of a certain ethnic background (even if they are not).
- Treating students differently on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features.

Any persons found to have engaged in discriminatory behavior based on Protected Characteristic(s) of a student shall be subject to the appropriate disciplinary or intervention measure.

No person shall be subjected to retaliation for reporting, testifying, assisting or participating in any manner in an investigation, proceeding or hearing resulting from a complaint of discriminatory behavior. No person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with that person's right to file a complaint of discrimination.

This statement constitutes only the policy of the District/Charter School. A violation of this policy does not necessarily mean that the conduct violates state and/or federal laws.

PROCEDURE FOR ADDRESSING ALLEGATIONS OF DISCRIMINATION

The _____ School District/Charter School's procedure for addressing allegations of discrimination is as follows:

(NOTE - The School District or Charter School can utilize an existing procedure provided the procedure contains, at a minimum, the provisions in subsection 9.0 of 14 DE Admin. Code 225]

A. Informal Process

A student may contact (identified specific school staff) to discuss a concern about discriminatory conduct if the student does not want to file a formal student complaint. The (identified specific school staff) shall respect any request for student confidentiality as long as there is no information that would adversely affect the health and safety of the student or others.

B. Formal Student Complaint Procedure

The student will submit the complaint of alleged discrimination in writing to (identified administrative person) on the Formal Student Complaint form.

(identified person) will schedule a conference with the student and parent(s) if requested by the student. This conference must be scheduled within five (5) school days of receipt of the Formal Student Complaint form. The conference may occur by phone or in person.

(Identified person) will issue a written determination on the complaint within five (5) school days after the conference.

If the complaint is not resolved to the satisfaction of the student or the individual determined to have engaged in discrimination, the determination may be appealed to (final decision maker) within five (5) school days. The appeal must be in writing and provide a basis for the appeal.

(Final decision maker) will schedule a conference with the appellant within three (3) school days. The conference may occur by phone or in person.

(Final decision maker) will issue a written final decision on the appeal within three (3) school days of the conference.

Possible Discipline or Intervention Measures:

A person who has engaged in discriminatory conduct that has resulted in a reportable bullying or harassment incident shall be subject to the _____ School District/Charter School's code of conduct for those behaviors.

A person who has engaged in discriminatory conduct that constitutes a crime will be reported to the appropriate authorities.

A person who has engaged in discriminatory conduct may be required to participate in educational or cultural sensitivity training.