

NONDISCRIMINATION IN EDUCATION

I. Policy Statement

Alexandria City Public Schools (ACPS) believes every student is entitled to an education that is responsive to one's unique needs to reach their full potential. All individuals have the right to a safe physical, emotional, and social environment where responsibility and respect are demonstrated daily. ACPS is committed to eliminating all forms of unlawful discrimination in the educational environment. Accordingly, no student shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any ACPS education program or activity on the basis of race, creed, color, national origin, ancestry, ethnicity, disability, religion, political affiliation, sex, sexual orientation, gender, gender identity, gender expression, age, pregnancy, childbirth or related medical conditions, marital or parental status, genetic information, military status or on any other characteristic protected by state or federal law ("**protected characteristic**").

ACPS is committed to engendering respect for the abilities and accomplishments of all people and to providing learning environments free from *all* forms of discrimination and harassment, regardless of whether the basis or characteristic is protected by law (e.g., immigration status, socioeconomic level). To promote a productive learning environment, ACPS encourages an atmosphere that is respectful of individual differences so students can learn in a functional and non-threatening atmosphere. ACPS consistently and vigorously addresses discrimination and harassment so that there is no disruption to the learning environment and learning process.

In accordance with its Strategic Plan, ACPS uses the Multi-Tiered Systems of Support (MTSS) structure to teach, foster and build positive, culturally competent and anti-racist relationships between students, as well as between staff and students. ACPS allows students to use a name and gender pronouns that reflect their gender identity without any substantiating evidence. School staff shall, at the request of a student or parent/guardian, when using a name or pronoun to address the student, use the name and pronoun that correspond to their gender identity. In situations where parents/guardians of a student (under 18 years of age) do not agree with a student's request to adopt a new name and pronouns, school administrators work with each family individually to develop an alternative that respects both the student and the parents/guardians. (Official student records requirements are outlined in Policy JO: *Student Records*.)

Through restorative practices like community circles, Positive Behavioral Interventions and Supports (PBIS) and social-emotional teaching and learning, staff and students are encouraged to be reflective, respect and value the diversity of our school community and express themselves in a manner that is reflective of our core values and beliefs. Equitable educational opportunities will be available for all students and educational programs will be designed to meet the varying needs of all students.

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ACPS:

- Provides facilities, programs and activities that are accessible, usable and available to qualified persons with disabilities;
- Provides a free, appropriate education, including non-academic and extracurricular services to qualified persons with disabilities;
- Does not exclude qualified persons with disabilities, solely on the basis of their disabilities, from any preschool, daycare, adult education or career and technical education program;
- Does not discriminate against qualified persons with disabilities in the provision of health, welfare or social services;
- Provides access for all students to facilities, such as restrooms and locker rooms, that correspond to a student’s gender identity; and
- Makes single user or gender inclusive facilities or other reasonable alternatives available upon request to any student who seeks privacy. Any options offered will be non-stigmatizing and will minimize lost instructional time.

II. Definitions

Discrimination is any action, policy, or practice, including bias, stereotyping and student harassment, which is detrimental to a person or group of persons and differentiates or distinguishes among persons, or which limits or denies a person or group of persons opportunities, privileges, roles or rewards based, in whole or in part, on any protected characteristic described above, or which perpetuates the effects of past discrimination.

Gender Expression: The manner in which a person represents or expresses their gender identity or role to others, often through appearance, clothing, hairstyles, behavior, activities, voice, or mannerisms. Gender expression may change over time and from day-to-day and is not necessarily related to the person’s gender identity.

Gender Identity: A person’s internal sense of their own identity as a boy/man, girl/woman, another gender, no gender, or outside the male/female binary. Gender identity is an innate part of a person’s identity and can be the same or different from society’s expectations with the sex they were assigned at birth. **Harassment** is unwanted, abusive behavior of a physical, verbal, non-verbal or written nature, directed towards a student or group of students based, in whole or in part, on any protected characteristic described above, which substantially interferes with a student’s school performance or creates an intimidating, hostile or offensive school environment.

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following: (1) a school division employee conditioning the provision of an aid, benefit, or service of the Division on an individual’s participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school division’s education program or activity; or (3) “sexual assault,” “dating violence,” “domestic

94 violence,” or “stalking,” as each of those terms is defined by federal law (see Policy
 95 GBA/JFHA).

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 97 **Transgender** is a self-identifying term that describes a person whose gender identity is
 98 different from their sex assigned at birth. A transgender girl is a girl who was presumed to be
 99 male when she was born, and a transgender boy is a boy who was presumed to be female
 100 when he was born. Note that there is a wide range of gender identities in addition to
 101 transgender male and transgender female, such as nonbinary.

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 103 **III. Complaint Procedure**

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 105 Any person who believes a student has been the victim of prohibited discrimination on
 106 school property or during a school activity should report the complaint as soon as possible to
 107 the ACPS Compliance Officer, the Title IX Coordinator or any school personnel. **The**
 108 **procedures for filing and investigating such reports are outlined in Regulation JB-**
 109 **R/JFHA-R: *Procedures for Investigating Student Complaints of Discrimination,***
 110 ***Harassment and Bullying.***

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 112 **IV. Compliance Officers**

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 114 Regulation JB-R/JFHA-R designates the Compliance Officers responsible for identifying,
 115 preventing and remedying discrimination as well as receiving, investigating, and acting upon
 116 complaints of discrimination prohibited by this policy. The names and contact information
 117 for the Compliance Officers are also posted on the Division’s website at all times.

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 119 The Compliance Officers:

- 120 • Receive reports or complaints of discrimination;
- 121 • Conduct or oversee the investigation of any alleged discrimination;
- 122 • Assess the training needs of the school division in connection with this policy;
- 123 • Arrange necessary training to achieve compliance with this policy; and
- 124 • Ensure that any discrimination investigation is conducted by an impartial investigator
 125 who is trained in the requirements of equal education opportunity and has the
 126 authority to protect the alleged victim and others during the investigation.

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 130 **V. Discrimination on the Basis of Sex**

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 132 ACPS complies with Title IX of the Education Amendments of 1972, which prohibits
 133 discrimination on the basis of sex, including sexual harassment and sexual violence (see
 134 Policies GB and GBA/JFHA) in all school division educational programs and activities.
 135 ACPS not only complies with the letter of Title IX's requirements but also endorses the law's
 136 intent and spirit. ACPS is committed to compliance in all areas addressed by Title IX,
 137 including, among others, access to education, career education, math and science,
 138 standardized testing, athletics, education for pregnant and parenting students, the learning
 139 environment and technology, as well as preventing and addressing sexual harassment.

141 ACPS provides educational, preventative and training programs regarding sexual or gender-
142 based harassment and discrimination; encourages reporting incidents; prevents incidents of
143 sexual and gender-based harassment and discrimination from denying or limiting an
144 individual's ability to participate in or benefit from the school division programs; makes
145 timely services available for those who have been affected by discrimination; and provides
146 prompt and equitable methods of investigation and resolution to stop discrimination, remedy
147 any harm, and prevent its recurrence.

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149 Any student, employee, or third party who engages in harassment or discrimination, or
150 retaliates against another person because of reporting harassment or discrimination or
151 participating in an investigation, is subject to immediate discipline, up to and including
152 termination, dismissal, suspension and/or expulsion.

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154 Questions regarding this policy, including Title IX, may be directed to the Compliance
155 Officers as listed in Regulation JB-R/JFHA-R or to the ACPS Title IX Coordinator:

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157 Title IX Coordinator
158 Executive Director of Equity & Alternative Programs
159 Alexandria City Public Schools
160 1340 Braddock Place
161 Alexandria, VA 22314
162 Telephone: 703-619-8165
163 Email: titleixcoordinator@acps.k12.va.us

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165 Questions regarding Title IX may also be referred to the Office of Civil Rights:

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167 U.S. Department of Education
168 Assistant Secretary for Civil Rights
169 400 Maryland Avenue, SW
170 Washington, D.C. 20202-1328
171 Telephone: 800-421-3481
172 TDD: 800-877-8339
173 Email: OCR@ed.gov

174 175 **VI. Retaliation**

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177 Retaliation against students, parents/guardians or employees who report discrimination or
178 participate in any related proceedings is prohibited. ACPS takes appropriate action against
179 any student or employee who retaliates against another student or employee who reports
180 alleged discrimination or participates in related proceedings. The Compliance Officer or Title
181 IX Coordinator will inform:

- 182 • those who make complaints;
- 183 • those who are the subject of complaints; and
- 184 • those who participate in investigations

185 of the complaint and how to report any subsequent problems.

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VII. Right to Alternative Complaint Procedure

Nothing in this policy denies the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination, including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

VIII. Prevention and Notice of Policy

Training to prevent discrimination is included in employee and student orientations as well as employee in-service training.

This policy is (1) displayed in prominent areas of each division building in a location accessible to students, parents, and school personnel; (2) included in student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. All students and their parents/guardians shall be notified annually of the names and contact information of the Title IX Coordinator and the Compliance Officers.

IX. False Charges or False Evidence

Students or school personnel who knowingly make false charges of discrimination, or who knowingly make false statements or submit false information shall be subject to disciplinary action, as well as any civil or criminal legal proceedings.

- Adopted: December 3, 1996
- Amended: July 6, 2000
- Amended: June 21, 2001
- Amended: December 18, 2014
- Amended: June 17, 2021
- Amended: October 7, 2021

- Legal Refs: 20 U.S.C. §§ 1681-1688.
- 29 U.S.C. §§ 794.
- 42 U.S.C. §§ 2000d through 2000d-7.

34 CFR 106.9.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902, 22.1-23.3, 22.1-212.6:1.

- Cross Refs: AC Nondiscrimination
- AD Educational Philosophy
- GB Nondiscrimination in Employment

229	GBA/JFHA	Prohibition Against Harassment, Bullying, Hostile
230		Work Environment and Retaliation
231	GB-R/GBA-R	Procedures for Investigating Staff Complaints of
232		Discrimination, Harassment, Bullying, Hostile
233		Work Environment and Unethical Conduct
234	JB-F/JFHA-F	Report of Discrimination/Harassment
235	JB-R/JFHA-R	Procedures for Investigating Student Complaints of
236		Discrimination, Harassment and Bullying
237	JBA	Section 504 Nondiscrimination Policy and
238		Hearings
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