

***ORANGE TEXT REFLECTS FEEDBACK SINCE THE 6/3/21 WORK SESSION.**

EQUAL EDUCATIONAL OPPORTUNITIES/NONDISCRIMINATION IN EDUCATION

I. Policy Statement

~~Equal educational opportunities shall be available for all students. 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 without regard to on the basis of race, creed, color, national origin, ancestry, ethnicity, disability, religion, political affiliation, sex, sexual orientation, gender, gender identity, gender expression, sexual orientation age, pregnancy, childbirth or related medical conditions, or marital or parental status, genetic information, military status as a veteran, 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.~~

~~Further, In accordance with its 2025 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. Through restorative practices like community circles, Positive Behavioral Interventions and Support (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 shall will be designed to meet with the varying needs of all students.~~

~~No student, on the basis of race, national origin, disability, religion, gender, gender identity, gender expression, sexual orientation or marital or parental status shall be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.~~

~~ACPS shall:~~

- Provides facilities, programs and activities that are accessible, usable and available to qualified ~~disabled~~ persons with disabilities;
- Provides a free, appropriate education, including non-academic and extracurricular services to qualified ~~disabled~~ persons with disabilities;
- ~~Not-Does not~~ exclude qualified ~~disabled~~ persons with disabilities, solely on the basis of their disabilities, from any preschool, daycare, adult education or career and technical education program; and
- ~~Not-Does not~~ discriminate against qualified ~~disabled~~ persons with disabilities in the provision of health, welfare or social services.

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.

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 violence," or "stalking," as each of those terms is defined by federal law in Policy GBA/JFHA.

H.III. Complaint Procedure

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

A. File Report

~~Any student who believes he or she/he/she/they has (have) been the victim of prohibited discrimination should report the alleged discrimination as soon as possible to one of the Compliance Officers [the Director of Equity] designated in this policy or to any other~~

~~school personnel. The alleged discrimination should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited discrimination should report such conduct to one of the Compliance Officers or to any school personnel. Any employee who has knowledge of conduct which may constitute prohibited discrimination shall immediately report such conduct to one of the Compliance Officers.~~

~~The reporting party should use the form, Form JB-F: Report of Discrimination/Harassment, JB-F, to make complaints of discrimination. However, oral reports and other written reports shall are also be accepted. The complaint should be filed with either the building principal or one of the Compliance Officers. The principal shall immediately forward any report of alleged prohibited discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the Superintendent.~~

~~The complaint, the and identity of the complainant and of the person or persons allegedly responsible for the discrimination, will not be disclosed except as required by law or policy, as necessary to investigate fully investigate the complaint, or as authorized by the complainant. A complainant who wishes to remain anonymous will be advised that such confidentiality may limit the school division's ability to respond fully to the complaint.~~

B. Investigation

~~Upon receipt of a report of alleged prohibited discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which should generally be no later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint, by giving written notice that the complaint has been received, to both the person complaining of discrimination and the person or persons allegedly responsible for the discrimination. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the person or persons allegedly responsible for the discrimination will be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.~~

~~The investigation may consist of personal interviews with the complainant, the person or persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the complainant and the person or persons responsible for the alleged discrimination. The investigation may also~~

~~include the inspection of any documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the completion of the investigation.~~

~~Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed by a complete and thorough investigation.~~

~~The Compliance Officer shall issue a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.~~

~~All employees shall cooperate with any investigation of alleged discrimination conducted under this policy or by an appropriate state or federal agency.~~

~~C. Action by Superintendent~~

~~Within five (5) school days of receiving the Compliance Officer's report, the Superintendent or designee shall issue a decision regarding (1) whether this policy was violated and (2) what action, if any, should be taken. This decision must be provided in writing to the complainant. If the Superintendent or designee determines that prohibited discrimination occurred, ACPS shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge.~~

~~D. Appeal~~

~~If the Superintendent or designee determines that no prohibited discrimination occurred, the student who was allegedly subjected to discrimination may appeal this finding to the School Board within five (5) school days of receiving the decision. Notice of appeal must be filed with the Superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party and the Superintendent and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to both the complainant and the person or persons responsible for the alleged discrimination.~~

~~If the superintendent Superintendent or designee determines that prohibited discrimination occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.~~

E.IV. Compliance Officers and Alternate Compliance Officer

The Superintendent shall issue regulations providing Regulation JB-R/JFHA-R designates for the appointment of a the Compliance Officers and Alternative Compliance Officer responsible for identifying, preventing and remedying discrimination as well as receiving, investigating, and acting upon complaints of discrimination prohibited by this policy. The names and contact information for the Compliance Officers are is also posted on the Division's website at all times. The Compliance Officers may be contacted at...Complaints of discrimination may also be made to the Alternate Compliance Officer. at...

The Compliance Officers: shall

- receive reports or complaints of discrimination;
- conduct or oversee the investigation of any alleged discrimination;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy; and
- ensure that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal education opportunity and has the authority to protect the alleged victim and others during the investigation.

V. Discrimination on the Basis of Sex

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

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

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

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

[Title IX Coordinator](#)
[Executive Director of Equity & Alternative Programs](#)
[Alexandria City Public Schools](#)
[1340 Braddock Place](#)
[Alexandria, VA 22314](#)
[Telephone: 703-619-8165](#)
[Email: titleixcoordinator@acps.k12.va.us](#)

[Questions regarding Title IX may also be referred to the Office of Civil Rights:](#)

[U.S. Department of Education](#)
[Assistant Secretary for Civil Rights](#)
[400 Maryland Avenue, SW](#)
[Washington, D.C. 20202-1328](#)
[Telephone: 800-421-3481](#)
[TDD: 800-877-8339](#)
[Email: OCR@ed.gov](#)

I.VI. V. Retaliation

Retaliation against students, [parents/guardians](#) or [employeeschool personnel](#) who report discrimination or participate in the related proceedings is prohibited. ~~The school division~~ [ACPS](#) shall take appropriate action against any student or employee who retaliates against another student or employee who reports alleged discrimination or participates in related proceedings. The Compliance Officer [or Title IX Coordinator](#) will inform: ~~persons~~

- [those](#) who make complaints;
- [those](#) who are the subject of complaints; and
- [those](#) who participate in investigations

of [the](#) complaints [and](#) how to report any subsequent problems.

II.VII. VI. Right to Alternative Complaint Procedure

Nothing in this policy ~~shall deny~~ [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.

III.VIII. VII. ~~Prevention~~ and Notice of Policy

Training to prevent discrimination ~~should be~~ [is](#) included in employee and student orientations as well as employee in-service training.

This policy ~~shall be~~ [is](#) (1) displayed in prominent areas of each division building in a location accessible to students, parents, and school personnel; (2) included in the 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.

~~IV,IX.~~ VIII. 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:](#)

- Legal Refs: [Americans with Disabilities Act of 1990.](#)
[Title VII of the Civil Rights Act of 1964.](#)
[Title IX of the Education Amendments of 1972.](#)
[Section 504 of the Rehabilitation Act of 1973.](#)
[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.](#)
[22.1-212.6:1.](#)

- Cross Refs: AC [Nondiscrimination](#)
AD [Educational Philosophy](#)
GB [Equal Employment Opportunity/Nondiscrimination in Employment](#)
GBA/JFHA [Prohibition Against Harassment, Bullying, Hostile Work Environment and Retaliation](#)
GB-R/GBA-R [Procedures For Investigating Staff Complaints Of Discrimination, Harassment, Bullying, Hostile Work Environment And Unethical Conduct](#)
JB-F [Report of Discrimination/Harassment](#)
JB-R/JFHA-R [Procedures for Investigating Student Complaints of Discrimination, Harassment And Bullying](#)

JBA _____ Section 504 Nondiscrimination Policy and _____
Grievance Hearings: Procedures

(*This form has been revised and merged into a single reporting form GB-F/GBA-F/JB-F/JFHA-F.)
REPORT OF DISCRIMINATION

Name of Complainant: _____

Student's School and Class: _____

Address, Phone Number _____ and _____

Email Address: _____

Date(s) of Alleged Discrimination: _____

Name(s) of person(s) you believe discriminated against you or others: _____

Please describe in detail the incident(s) of alleged discrimination, including where and when the incident(s) occurred. Please name any witnesses that may have information regarding the situation. Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge.

Signature of Complainant _____ Date _____

Complaint Received By: _____
_____ Compliance Officer _____ Date _____

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