

Anti-Discrimination Policy: Students

I. PURPOSE AND SCOPE

The District of Columbia Public Schools (DCPS) is committed to ensuring every student feels loved, challenged, and prepared to positively influence society and thrive in life by providing rigorous and inclusive learning environments for all students.

This policy conveys DCPS' prohibition on discrimination of all kinds and discusses various forms of discrimination and protected traits; it is focused on the rights of students. To meet this commitment, DCPS is focused on creating an environment in which we eliminate opportunity gaps, interrupt institutional bias, and remove barriers to academic and social success, particularly for students of color. To promote an equitable environment free of discrimination, DCPS will provide access, inclusion, and affirmation, offering the most support where the greatest disparities have persisted. DCPS is also committed to providing a discrimination-free environment for staff and visitors. The DCPS Notice of Non-Discrimination and contact information for submitting inquiries and filing complaints is available at <https://dcps.dc.gov/non-discrimination>.

This policy rescinds and supersedes all previous policy, memoranda, and guidance promulgated by DCPS on this subject matter.

II. AUTHORITY AND APPLICABLE LAW¹

Source	Citation
Federal Law	<ul style="list-style-type: none">- Title IX of the Education Amendments Act of 1972 (Title IX), 20 U.S.C. § 1681- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 <i>et seq.</i>- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 <i>et seq.</i>- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d <i>et seq.</i>
Federal Regulations	<ul style="list-style-type: none">- Title IX implementing regulations, 34 C.F.R. Part 106
District of Columbia Law	<ul style="list-style-type: none">- D.C. Human Rights Act of 1977, D.C. Code § 2-1401 <i>et seq.</i>- Language Access Act of 2004, D.C. Code § 2-1931 <i>et seq.</i>- School Safety Omnibus Amendment Act of 2018, D.C. Code § 38-951 <i>et seq.</i> and D.C. Code § 38-952 <i>et seq.</i>- Mandated Reporter Requirements, D.C. Code §4-1501 <i>et seq.</i>
District of Columbia Municipal Regulations	<ul style="list-style-type: none">- Student Grievance Procedures, 5-B DCMR § 2405- Grievance Procedures for Parents, Guardians, and Visitors, 5-E DCMR § 405

¹ Nothing in this policy will supersede federal, state, or local law.

III. KEY TERMS AND DEFINITIONS

Bullying means any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal, that may be reasonably predicted to:

- Place a student in reasonable fear of physical harm to their person or property;
- Cause a substantial detrimental effect on the student's physical or mental health;
- Substantially interfere with the student's academic performance or attendance;
- Substantially interfere with the student's ability to participate in or benefit from school activities or services; or
- Materially and substantially disrupt the education process or the orderly operation of a school. (see D.C. Code § 2-1535.01)

Color: skin pigmentation or complexion.

Cyberbullying means bullying using technology or electronic devices such as telephones, cell phones, computers, and the internet. It includes, but is not limited to, email, direct messages, text messages, and internet postings.

Disability means a physical or mental impairment that substantially limits one or more major life activities. (D.C. Code § 2-1401.02(5A))

Discrimination means the unjust or prejudicial treatment of different categories of people. Discrimination may take many forms including abusive jokes, crude name-calling, threats, bullying, cyberbullying, or sexual/physical assault by teachers or students. It may also constitute nonverbal behavior such as graphic and written statements or conduct that is physically threatening, harmful, or humiliating. (see D.C. Code 2-1401 et seq.)

Family responsibilities means supporting a person in a dependent relationship, which includes, but is not limited to, children, grandchildren, and parents. (see D.C. Code § 2-1401.02(11A)-(12))

Gender identity or expression means the gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth. (D.C. Code § 2-1401.02(12A))

Gender-nonconforming means a person whose gender expression differs from stereotypical expectations of the sex they were assigned at birth.²

Harassment: Uninvited and unwelcome conduct.

Hostile Environment: Conduct that is sufficiently severe, persistent, or pervasive that it denies or limits a person's ability to participate in or benefit from a school's programs or activities.

Marital status means the state of being married, single, in a domestic partnership, divorced, separated, and widowed. (D.C. Code § 2-1401.02(17))

² See [DCPS's Transgender and Gender-Nonconforming Policy Guidance](#) (June 2015).

National origin: the country or area where one's ancestors are from.

Personal appearance means outward appearance but is subject to business requirements or standards. (D.C. Code § 2-1401.02(22))

Political affiliation means belonging to or supporting a political party. (D.C. Code § 2-1401.02(25))

Race means classification or association based on a person's ancestry or ethnicity.

Religion means all aspects of religious observance and practice, as well as a belief system, which may or may not include spirituality. (see D.C. Code § 2-1401 *et seq.*)

Sex means a person's gender; sex discrimination includes sexual harassment and discrimination based on pregnancy, childbirth, related medical conditions, breastfeeding, and reproductive health decisions. (D.C. Code § 2-1401 *et seq.*)

Sexual orientation means a person's sexual identity or self-identification.³

Staff means an employee or volunteer of a school, an employee of an entity with whom the school contracts, or an employee or volunteer of an entity with whom the school partners who acts as an agent of the school at the school or activities sponsored by the school. (D.C. Code § 38-951.01(5))

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.⁴ (see D.C. Code § 2-1401.02(29A) and § 22-3133)

Transgender means an umbrella term describing a person whose gender identity or expression is different from that traditionally associated with their assigned sex at birth.⁴

IV. REQUIREMENTS

A. Prohibited Behaviors

DCPS strictly prohibits discrimination and sexual misconduct by all students, staff, and visitors in any DCPS building or program. Discrimination will not be tolerated.

DCPS does not discriminate or tolerate discrimination against employees, applicants for employment, or students on the basis of actual or perceived race, color, religion, national origin, sex (including pregnancy), age, marital status, personal appearance, sexual orientation, gender identity or expression, family status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an interfamily offense, or place of residence or business.

³ See [DCPS's Transgender and Gender-Nonconforming Policy Guidance](#) (June 2015).

⁴ See [DCPS's Transgender and Gender-Nonconforming Policy Guidance](#) (June 2015).

DCPS also prohibits harassment based on any protected traits and retaliation against a person because they have complained about discrimination, filed a charge of discrimination, or participated in a discrimination investigation or lawsuit. Employees found to have engaged in prohibited discrimination, harassment, or retaliation will be subject to disciplinary action.

Discrimination and harassment are prohibited in all forms, including:

- Bullying;
- Cyberbullying;
- Stalking;
- Violations of the DC Language Access Act of 2004;
- Prejudicial acts based on race, color, national origin, disability, religion, sex, age, marital status, personal appearance, family responsibilities, political affiliation, sexual orientation, gender identity, and gender expression (including persons who are transgender, transitioning, and gender-nonconforming);
- Intentionally failing to use preferred names or pronouns;
- Prejudicial act towards someone who is parenting, pregnant, or breastfeeding;
- Unfair or unequally enforced dress code;
- Denying someone access to athletic activities, restrooms, or facilities based on their gender or gender identity; and
- Retaliation.

Sexual misconduct⁵ is prohibited in all forms, including:

- Dating violence;
- Domestic violence;
- Sexual performance using minors;
- Non-consensual pornography;
- Sexual harassment;
- Sexual abuse;
- Sexual assault;
- Stalking;
- Conditioning the provision of an aid, benefit, or service on the individual's participation in unwelcome sexual conduct (i.e., quid pro quo harassment); and
- Unwelcome conduct.

1. Discrimination Based on Race, Color, or National Origin

DCPS does not tolerate discrimination based on race, color, or national origin. Discrimination on the basis of race, color, or national origin is any behavior that discriminates against an individual based on:

- The country, world region, or place where a person's ancestors come or are perceived to come from;
- A person's complexion, including treating someone differently based on their skin tone; or
- A person's limited English proficiency or English learner status; or

⁵ For more information, please see DCPS policies on [Preventing and Addressing Student-on-Student Acts of Sexual Harassment, Sexual Assault, and Dating Violence in DCPS Schools] and the [Prevention of Student Sexual Abuse by Staff](#).

- A person's actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (such as Hindu, Jewish, Muslim, and Sikh individuals).

Discrimination on the basis of race, color, or national origin can take many forms, including ethnic or ancestral slurs, taunts, stereotypes, or name calling. An individual can also be harassed for how they look (including their features), dress, or speak in ways linked to ethnicity or ancestry. It can also include racially motivated threats, attacks, or other hateful conduct.

As an anti-racist school district, DCPS commits to overcoming systemic racism and intersectional forms of oppression. DCPS staff commits to being anti-racist by shifting individual **identity and mindsets** and **practice**, as well as collective **culture** and **policy development**. DCPS is committed to taking conscious and deliberate action to combat individual and institutional racial inequity by ensuring that all students have equitable access to a quality education, resources, support, and programs. DCPS will work to provide access, inclusion, and affirmation, offering the most support where the greatest disparities have persisted. DCPS will address disparities in curriculum development, testing, discipline, staff interaction, and the identification of students with disabilities. By incorporating social-emotional learning, culturally responsive practices, and ongoing anti-racist professional development for staff, DCPS will ensure that all students and staff feel loved, welcomed, challenged, and prepared every day.

2. Discrimination Based on Sex, Sexual Orientation, Gender Identity, or Expression⁶

DCPS does not tolerate discrimination based on sex, sexual orientation, gender identity, or gender expression. Discrimination on the basis of sexual orientation may take the form of homophobic remarks, sexual orientation-based harassment, or violence.⁷ It can include discrimination on the basis of pregnancy, childbirth, related medical conditions, breastfeeding, or reproductive health decisions.⁸

a. Athletics

All athletic programs must provide equal opportunities for all students. Students must be allowed to participate in activities, such as intramural and interscholastic athletics, in a manner that is consistent with their gender identity.

b. Breastfeeding

Students have the right to breastfeed their child in any location, public or private, where they have the right to be with their child without respect to whether the parent's breast or any part of it is uncovered during or incidental to the breastfeeding of their child. DCPS must allow students the opportunity to make up any missed work due to breastfeeding-related absence from class.

⁶ For more information on students who are transitioning, please see the [DCPS Transgender and Gender-Nonconforming Policy Guidance](#) or the [DCPS LGBTQ family guide](#). Both documents contain resources including a school planning tool that can support students as they transition.

⁷ For more information, please see the [DCPS Transgender and Gender-Nonconforming Policy Guidance](#) or the [DCPS LGBTQ family guide](#). Both documents contain resources including a school planning tool that can support students as they transition.

⁸ See D.C. Code § 2-1401.05(a).

c. Dress Codes

Students have the right to dress in accordance with their gender identity within the constraints of the school's dress code, and dress codes must be enforced equally and fairly to all students regardless of their gender or any physical characteristics. Additionally, school staff may not impose subjective or personal opinions on student dress (e.g., staff remarking that a student's pants are "too tight"). Under no circumstance shall students who commit dress code violations be given in-school or out-of-school suspensions or otherwise be removed from the classroom or be barred from entering school or participating in extra-curricular activities and programs. School dress codes must be gender neutral. For example, schools cannot require that "girls wear skirts." This applies to regular school days in addition to special events such as prom.

d. Names and Pronouns

Students have the right to be addressed by the name and pronoun that corresponds to their gender identity. A court-ordered name or gender change is not required, and the student does not need to change their official records. Intentional failure to address a student by their preferred name or pronoun may constitute discriminatory conduct.

e. Pregnant/Parenting Students

Pregnant students must be allowed to continue participating in classes and extracurricular activities. DCPS must allow pregnant students to choose whether or not they want to participate in special instruction programs or classes for pregnant students. Students must be allowed to make these decisions at will and without pressure from DCPS staff. Any alternative programs must provide the same types of academic programming and, where applicable, special education and related services as the school's regular program. Pregnant students must not be required to submit a doctor's note to participate in activities unless the submission of a doctor's note is required for all participating students. DCPS must provide reasonable adjustments such as seating or desk adjustments, elevator access, or frequent trips to the bathroom when necessary and related to the pregnancy. DCPS must allow students the opportunity to make up any missed work from pregnancy-related absences.

f. Restrooms/Facilities

Students have the right to have safe access to restrooms and facilities that match their gender identity. Students can use the same bathrooms as their peers unless they request alternate accommodations. Transgender or gender non-conforming students may not be forced to use single user bathrooms as their only option.

3. Discrimination Based on Disability

DCPS does not tolerate discrimination the basis of disability. Discrimination on the basis of disability is any behavior that discriminates against an individual based on their actual or perceived disability.⁹ Disability discrimination may interfere with the ability of students with disabilities to receive the

⁹ DCPS is required to provide students with disabilities a free and appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA). For more information regarding IDEA at DCPS, please see the [Division of Specialized Instruction Resource Guide](https://dcps.dc.gov/page/section-504). Information the Section 504 program can be found at <https://dcps.dc.gov/page/section-504>.

education critical to their academic development and result in a denial of a free and appropriate public education. Examples of disability discrimination may include belittling or criticizing a student with an intellectual disability or obstructing the path of a student in a wheelchair.

4. Discrimination Based on Language or English Proficiency

DCPS does not tolerate discrimination based on language or English proficiency. DCPS provides¹⁰ equal access and participation in public services, programs, and activities for residents of the District of Columbia who cannot or have limited capacity to speak, read, or write English. If someone contacts DCPS and they cannot speak, read, write, or understand English, they have the right to:

- Request and receive interpreter services at no cost,
- Request and receive vital documents in their language at no cost, and
- Make a complaint if denied any service.

B. Investigations and Consequences for Prohibited Behaviors

DCPS is required to create a nondiscriminatory environment and provide remedies when instances of discrimination occur. If a student, staff, or school visitor is accused of engaging in prohibited behavior or retaliation, the DCPS Comprehensive Alternative Resolution & Equity (CARE) Team will follow the investigation procedures detailed in current DCPS grievance policies.¹¹ If a violation is found, consequences will be administered in accordance with that policy and all applicable local and federal law and regulations. Through investigation and resolution, the DCPS CARE Team will seek to make any aggrieved party whole and to remedy systemic failures. Resolutions may result in policy change, service provision, and/or disciplinary action against the respondent. Disciplinary action will be administered in accordance with the DCPS student discipline policies.¹²

C. Prevention

Given the importance of preventing and proactively addressing discrimination in our schools, DCPS:

- Creates an environment where all students feel loved, challenged, and prepared;
- Provides ongoing anti-racist, anti-discrimination training for DCPS staff;
- Provides social-emotional professional development for DCPS staff;
- Provides professional development around culturally responsive pedagogy and practices for staff;
- Incorporates anti-discrimination and harassment programs and activities in schools and other DCPS locations;
- Encourages students, caregivers, and school visitors to report discrimination and harassment;
- Requires school staff to report discrimination and harassment; and
- Enforces a district-wide protocol for responding to incidents of hate and bias no matter the intent;
- Conducts climate assessments to determine if discriminatory environments exist and addresses them when appropriate.

¹⁰ Language Access Act of 2004, D.C. Code § 2-1931 *et seq.* For more information on the Language Access Act of 2004 please visit <https://dcps.dc.gov/node/1513801>.

¹¹ Available at <https://dcps.dc.gov/page/dcps-policies>.

¹² Available at <https://dcps.dc.gov/page/dcps-policies>.

D. Resources

DCPS is available to support and respond to claims of discrimination, and the DCPS Equity Strategy and Programming Team works to create an environment in which DCPS eliminates opportunity gaps, interrupts institutional bias, and removes barriers to academic and social success. Each school also has a social worker/mental health team that can provide support to students experiencing discriminatory treatment and identify community resources. In addition, academic support (e.g., tutoring) is available to students following an instance of discrimination or harassment.

V. POLICY IMPLEMENTATION REQUIREMENTS

All DCPS employees are required to comply with the requirements set forth in this policy. Implementation of this policy will be reinforced by anti-discrimination, Title IX, and mandated reporter trainings provided to staff as well as ongoing monitoring and oversight by the DCPS Care Team. Trainings will discuss how to identify discrimination and create a discrimination-free environment and staff's reporting obligations.

DCPS is committed to serving every student with equity, excellence, transparency, and accountability and creating an environment for students that is free of discrimination and harassment. Questions or concerns regarding this policy and its implementation should be directed to the DCPS CARE Team at dcps.care@k12.dc.gov. For additional concerns about or violations of this directive, contact the Chief Integrity Officer by completing the Online Referral Form¹³ or sending an email to dcps.cio@k12.dc.gov.

VI. ADDITIONAL RESOURCES

There are outside agencies that can provide additional support and/or receive reports of discrimination.

A. State Board of Education - Office of the Ombudsman for Public Education

The Office of Ombudsman for Public Education is a central venue for parents/guardians to register concerns and resolve disputes. The Office of the Ombudsman may also serve as an advisor to students involved in grievances. For additional information, see <https://sboe.dc.gov/page/office-of-the-ombudsman-for-public-education> or contact:

State Board of Education
Office of the Ombudsman for Public Education
One Judiciary Square
441 4th Street, NW, 530S
Washington, DC 20001
Phone: (202) 741-0886
Email: education.ombudsman@dc.gov

B. U.S. Department of Education, Office for Civil Rights (OCR)

A student may file a complaint directly with OCR with or without following the DCPS procedure described above. If a complaint is filed with OCR, it must be filed in writing no later than 180 days after

¹³ Available at <https://dcps.dc.gov/page/office-integrity>.

the incident of harassment occurred. For additional information, see <http://www.ed.gov/ocr/complaintprocess.html> or contact:

Assistant Secretary for Civil Rights
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202
Phone: (800) 421-3481
TDD: (877) 521-2172
Fax: (202) 245-6840
Email: OCR@ed.gov

C. District of Columbia Office of Human Rights (OHR)

A student may file a complaint directly with OHR with or without following the DCPS procedure described above. The complaint must be filed within one year of the incident of harassment. For additional information, see <http://www.ohr.dc.gov> or contact:

D.C. Office of Human Rights
441 4th Street NW, Suite 570N
Washington, DC 20001
Phone: (202) 727-4559
Fax: (202) 727-9589
Email: ohr@dc.gov

D. Office of the State Superintendent of Education (OSSE)

For more information regarding your student's individual education program (IEP) and the Individuals with Disabilities Education Amendment Act (IDEA), you may contact the DCPS Monitoring and School Support Team at dcps.spedconcerns@k12.dc.gov.

Written complaints regarding IEPs and the IDEA can be filed by contacting:

Office of the State Superintendent of Education
1050 First Street NE, Third Floor
Washington, DC 20002
Phone: (202) 698-3819
Email: hearing.office@dc.gov

You may also file a complaint with:

Office of the State Superintendent of Education
State Complaint Office
1050 First Street NE, Fifth Floor
Washington, DC 20002
Phone: (202) 727-6436
Email: osse.IDEAstatecomplaints@dc.gov

E. DCPS Labor Management and Employee Relations (LMER)

For inquiries or complaints regarding harassment related to DCPS employees, contact:

Labor Management and Employee Relations (LMER)
District of Columbia Public Schools
1200 First Street NE, 9th Floor
Washington, DC 20002
Phone: (202) 442-5424
Email: dcps.lmer@k12.dc.gov

F. Office of Special Education and Rehabilitative Services (OSERS)

OSERS is committed to improving results and outcomes for people with disabilities. They may be contacted at:

Office of Special Education and Rehabilitative Services
Office of Special Education Programs
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-7100
Phone: (202) 245-7468