

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
Board of Education
Upper Marlboro, Maryland

0125
Policy No.

BOARD OF EDUCATION POLICY

BASIC COMMITMENTS

Nondiscrimination

I. POLICY STATEMENT

- A. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board of Education of Prince George's County (Board) is committed to providing and maintaining an educational and workplace environment free from any form of unlawful discrimination. The Board will not tolerate discrimination on the basis of personal characteristics, including race, color, national origin, citizenship status, religion, marital status, sex, sexual orientation, gender identity, disability, or age.
- B. The Board shall promote compliance with all federal, state, and local nondiscrimination laws and ensure that students, employees, and third parties are provided equal opportunity in Prince George's County Public Schools (PGCPS) workplaces and/or educational programs and activities.

II. PURPOSE

The purpose of this policy is to affirm the Board's commitment to promote an environment for students, employees, and the entire PGCPS community that is free of discrimination and to designate which office is responsible for handling inquiries regarding this nondiscrimination policy.

III. DEFINITIONS

- A. *Age* – An individual's chronological age.
- B. *Color* – *Skin pigmentation, complexion, or skin shade or tone.*
- C. *Disability* – A physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning), or operation of a major bodily function (such as brain, musculoskeletal, respiratory, circulatory, or endocrine function). An individual with a *disability* includes a person who has a *disability*, a history of record of a *disability*, or is perceived to have a *disability*.

- D. *Discrimination* – Actions that unlawfully subject a person—based on the person’s actual or perceived personal characteristics—to exclusion from participation in, denial of the benefits of, or unfavorable differential treatment with respect to any educational program or activity of PGCPs, or employment, recruitment, consideration, or selection for employment by PGCPs. *Discrimination* also includes harassment, as well as acts of hate, violence, insensitivity, disrespect, or retaliation—such as verbal abuse, bullying including cyberbullying, slurs, threats, physical violence, vandalism, or destruction of property—that impede or affect the learning or work environment, as well as racism, sexism, and other forms of institutional prejudice in all their manifestations. *Discrimination* also includes stereotyping, based on conformance or nonconformance to stereotypical notions of specific personal characteristics, as well as traits associated with those personal characteristics, such as appearance, hairstyles, and hair texture. In addition, *discrimination* includes conduct and practices that may be facially neutral but that have an unjustified disparate impact based on a person’s actual or perceived personal characteristics.
- E. *Employee* – All full-time, part-time, and temporary or substitute PGCPs employees.
- F. *Ethnicity* – The fact or state of belonging to a social group that has a common national or cultural condition.
- G. *Gender identity* – The gender-related identity, appearance, expression, or behavior of a person, regardless of the person’s assigned sex at birth, which may be demonstrated by:
1. Consistent and uniform assertion of the person’s gender identity; or
 2. Any other evidence that the gender identity is sincerely held as part of the person’s core identity.
- H. *Genetic information* – Information about chromosomes, genes, gene products, or inherited characteristics that may derive from an individual or a family member; obtained for diagnostic and therapeutic purposes; and obtained at a time when the individual to whom the information relates is asymptomatic for the disease.
- I. *Genetic test* – A laboratory test of human chromosomes, genes, or gene products that is used to identify the presence or absence of inherited or congenital alterations in genetic material that are associated with disease or illness.
- J. *Marital status* – Status of being married, single, divorced, separated, or widowed.
- K. *National origin* – A particular country or part of the world, ethnicity or accent or appearance to be of a certain ethnic background. It can also involve treating an individual unfavorably because they are married to or associated with a person of a certain *national origin*.
- L. *Parent* – A biological or adoptive parent, legal guardian, or an individual acting as a parent in the absence of the parent or guardian.

- M. *Person* – Includes PGCPs employees, students, and third parties, such as parents, volunteers, vendors, contractors, and others with whom employees interact in the PGCPs workplace, during school or school-related events or activities, or online activity.
- N. *Personal characteristics* – Includes race, ethnicity, color, ancestry, national origin, nationality, religion, sex, sexual orientation, gender, gender identity, gender expression, marital status, pregnancy or parenting status, family structure, ability (cognitive, social/emotional, and physical), veteran status, genetic information, age, immigration or citizenship status, socioeconomic status, language, or any other legally or constitutionally protected attributes or affiliations.
- O. *Race* – Any one of the groups that individuals are often divided into based on physical traits regarded as common among people of shared ancestry.
- P. *Religion (or religious belief)* – A religious observance, practice, or belief. Headwear or head coverings, including wraps, scarves, hijabs, and sheitels, may be considered as an outward expression of a person’s religious belief.
- Q. *Responsible employee* – All PGCPs employees are responsible for reporting any suspected, observed, or alleged discrimination to the Office of Equity Assurance or as otherwise set forth in this policy and the accompanying administrative procedure.
- R. *Retaliation* –
1. Unfavorable differential treatment of a person because that person has opposed any act or practice that is unlawful under this policy or any law applicable to discrimination or has made a charge, testified, assisted, or participated in an investigation, proceeding, or other matter pursuant to this policy or any law applicable to discrimination; or
 2. Threatening, coercing, intimidating, or interfering with any person because that person has opposed any act or practice which is unlawful under this policy or any law applicable to discrimination or has made a charge, testified, assisted, or participated in an investigation, proceeding, or other matter pursuant to this policy or any law applicable to discrimination.
- S. *Sex* – An individual’s biological sex, including the person’s sexual orientation, gender identity, or pregnancy.
- T. *Sexual orientation* – The identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.
- U. *Third party* – Any person, other than a PGCPs employee or student, who participates in activities of PGCPs or who is present on PGCPs grounds or premises and is under the authority or control of PGCPs, and may include, but is not limited to, parents, mentors, volunteers, vendors, contractors, and others with whom employees interact in PGCPs workplaces or during

school or school-related activities.

IV. STANDARDS

A. Application

1. This policy applies to all allegations by PGCPs students, employees, and third parties that they have been subjected to discrimination. The provisions of this policy are intended to align with Board Policy 0103 – Inclusive Environments for LGBTQIA+ People, Board Policy 0104 – Title IX, Board Policy 4185 – Workplace Bullying, Board Policy 5119.3 – Pregnant and Parenting Students, and Board Policy 5143 – Bullying, Harassment or Intimidation and the implementing administrative procedures.
2. This policy applies to discrimination committed against students, employees, and third parties whether perpetrated by supervisors, other employees, students, or other third parties. This includes discrimination that occurs on school property, at school events or activities, on a school bus, or that substantially disrupts the orderly functioning of schools or workplaces, including online activity.

B. Prohibited Employment Discrimination

1. PGCPs shall not fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to the individual's compensation, terms, or conditions, of employment because of:
 - a. The individual's actual or perceived personal characteristics; or
 - b. The individual's refusal to submit a genetic test or make available the results of a genetic test.
2. PGCPs shall not limit, segregate, or classify its employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee because of:
 - a. The individual's actual or perceived personal characteristics; or
 - b. The individual's refusal to submit a genetic test or make available the results of a genetic test.
3. PGCPs shall not require genetic tests or genetic information as a condition of hiring or determining benefits.
4. PGCPs shall not fail or refuse to make a reasonable accommodation for the known disability of an otherwise qualified employee or applicant for employment. Reasonable accommodations shall also be provided, consistent with applicable law, with respect to other personal characteristics.

C. Prohibited Discrimination in Educational Programs and Activities

1. The Board expects all students, employees, and third parties to maintain educational environments for all students that will be equitable, fair, safe, diverse, academically engaging, positive, and inclusive.
2. The Board expects all students, employees, and third parties to conduct themselves in a manner that demonstrates mutual respect without regard to an individual's actual or perceived personal characteristics.
3. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. This prohibition will not be used, however, to prevent responsible discussion of such language, images, or symbols for educational purposes.
4. The Board shall not fail or refuse to make a reasonable accommodation for the known disability of a student, as required by state and federal law. Reasonable accommodations shall also be provided, consistent with applicable law, with respect to other personal characteristics.

D. Discrimination Reports and Complaints

1. Within 24 hours of observing or learning about any alleged discrimination against a student, employee, or third party, all employees are responsible for reporting the allegation to the Office of Equity Assurance. If an employee, student or third party personally experiences discrimination, they may make reports beyond this deadline, provided that they do so within a reasonable timeframe. All employees and third parties must cooperate fully with any inquiry or investigation of alleged discrimination.
2. Depending upon the nature of the offense, an employee, student or third party who commits act(s) of discrimination shall be subject to disciplinary action or other consequences. The severity of the offense will dictate which disciplinary action is appropriate, up to and including termination for an employee or up to and including expulsion for a student, consistent with the Student Code of Conduct. Consequences will be administered according to applicable Board policies and administrative procedures, and vendor contracts for a third party who commits discrimination. Any responsible employee who knowingly allows or tolerates discrimination or fails to report an incident of discrimination is in violation of this policy and is subject to disciplinary action.
3. Filing of a complaint or otherwise reporting discrimination will not reflect upon a student or employee's status nor will it affect the student's future educational program or the employee's future employment opportunities, unless the complaint or report was knowingly and materially false. Nor shall retaliatory action be taken

against a student, employee or third party for filing a complaint of, or otherwise reporting, discrimination. Further, any person who attempts to interfere, restrain, coerce, intimidate, harass, or discriminate against a student or employee who files a complaint, or any person who participates in the investigative process, will be subject to disciplinary action.

4. Discrimination may constitute criminal activity, such as a hate crime, or child abuse, which triggers mandatory reporting obligations under the Family Law Article of the Annotated Code of Maryland and Board Policy 0127. For incidents of discrimination that are also considered criminal activity, any criminal investigation conducted by law enforcement is separate and independent from any PGCPS investigation. PGCPS will collaborate with law enforcement regarding the timeline for investigations to avoid interfering with or obstructing a law enforcement investigation; however, the delay must be temporary, and the parties must be notified that the school investigation is not contingent on the outcome of the law enforcement investigation.

E. Confidentiality and Privacy

1. Neither the complainant nor witnesses should be promised confidentiality at the onset of the investigation. It cannot be predicted what will be discovered or if a hearing might result from the ultimate outcome of the investigation. However, PGCPS will make reasonable efforts to maintain the confidentiality of the complainant, witnesses, and the individual against whom the complaint is filed, consistent with PGCPS' legal obligations, including the necessity to investigate allegations of discrimination; and to take disciplinary actions when discrimination occurs. Information will only be shared on a "need-to-know" basis.
2. PGCPS shall investigate any report of discrimination, to the extent possible, even when the complainant has made an anonymous report.
3. PGCPS shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair PGCPS' ability to provide the supportive measures.
4. All meetings, hearings, or other proceedings conducted pursuant to this policy will be private except to the extent that the parties are permitted to be accompanied by others as provided in this policy or the accompanying administrative procedure.
5. School officials shall not access, consider, disclose, or otherwise use a party's medical, mental health, or other records that are made or maintained in connection with the provision of treatment to the party without the party's voluntary written consent.
6. No person acting on behalf of PGCPS shall require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.
7. A violation of any of these provisions may constitute retaliation.

V. IMPLEMENTATION RESPONSIBILITIES

- A. The Superintendent is directed to develop appropriate administrative procedures to implement this policy, which shall include provisions for reporting and investigating allegations of discrimination, and the confidentiality of those investigations and outcomes.
- B. The Superintendent will provide an annual report to the Board on reported discrimination incidents against students, employees, and third parties in which the data will be desegregated according to subgroups.

VI. REFERENCES

A. Legal

U.S. Constitution, Amendment 14
Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, *et seq.*
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*, and its implementing regulations, codified at 34 Code of Federal Regulations (CFR) Part 106.1, *et seq.*
Equal Education Opportunities Act of 1974, 20 U.S.C. § 703
Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1487
Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and its implementing regulations
Americans with Disabilities Act (ADA), 42 U.S.C. § 12131, *et seq.*
42 U.S.C. § 1981
42 U.S.C. § 1983
Maryland Constitution Declaration of Rights, Article 46
MD. CODE ANN., EDUC., §§ 6-104, 7-424, 7-424.1, 7-424.3, 7-445, 8-401
MD. CODE ANN., STATE GOV'T., § 20-601, *et seq.*
MD. CODE ANN., CRIM. LAW, §§ 10-301, *et seq.*

COMAR 13A.01.

B. Other Board Policies

Board Policy 0101 – Education Equity
Board Policy 0102 – Culturally Proficient Schools and Central Offices
Board Policy 0103 – Inclusive Environments for LGBTQIA+ People
Board Policy 0104 – Title IX
Board Policy 0118 – Mission, Vision, and Core Values
Board Policy 3500 – Naming of Schools, School District Facilities, Dedicating Areas of School District Facilities or Grounds and Erecting Monuments
Board Policy 4185 – Workplace Bullying
Board Policy 5119.3 – Pregnant and Parenting Students
Board Policy 5143 – Bullying, Harassment or Intimidation

- C. Administrative Procedures
 - Administrative Procedure 0103 – Transgender and Gender Diverse
 - Administrative Procedure 0104 – Title IX, Discrimination and Harassment on the Basis of Sex
 - Administrative Procedure 4170 – Discrimination and Harassment
 - Administrative Procedure 4172 – Processing Requests for Reasonable Accommodation
 - Administrative Procedure 4815 – Workplace Bullying
 - Administrative Procedure 5010 – Homeless Children and Youth – School Access and Services
 - Administrative Procedure 5119.3 – Services for Pregnant and Parenting Students
 - Administrative Procedure 5143 – Bullying, Harassment or Intimidation

VII. HISTORY

Policy Adopted
6/25/15

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11/18/21 (Effective Date: 11/18/21)

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05/09/2024