

Nondiscrimination In District Programs And Activities

The Board of Education is committed to equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on gender, gender identity or expression, or genetic information, race, color, religion, ancestry, nationality, national origin, immigration status, ethnicity, ethnic group identification, age, sex, marital status, pregnancy, parental status, physical or mental disability, sexual orientation; the perception of one or more of such characteristics, or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 1240 – Volunteer Assistance

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4033 – Lactation Accommodations

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5131.2 – Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6145 – Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.4 – Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

(cf. 6178 – Career Technical Education)

(cf. 6200 - Adult Education)

Confidential personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

(cf. 3540 - Transportation)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5145.13 - Response to Immigration Enforcement)

District programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames. Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

(cf. 1330 – Use of Facilities)

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The Superintendent or designee shall notify students, parents/guardians, employees, employee organizations and applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination. Such notification shall be included in each announcement, bulletin, catalog, annual parent notification, handbook signed by parent/guardian, application form, or other recruitment materials distributed to these groups and, as applicable, to the public. *(34 CFR 104.8, 106.9)*

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(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 5145.6 - Parental Notifications)

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

As appropriate, such notification shall be posted in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on the district's web site and, when available, district supported social media.

The Superintendent or designee shall also provide information about related complaint procedures. All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in BP/AR 1312.3 – Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4031 – Reasonable Accommodation)
(cf. 5145.6 – Parental Notifications)

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand and, when required by law, in a language other than English.

Access for Individual with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

(cf. 6163.2 – Animals At School)
(cf. 7110 – Facilities Master Plan)

The Superintendent or designee shall ensure that the district provides auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity.

(cf. 6020 – Parent Involvement)

The District will actively seek to identify individuals with disabilities. Parents or guardians shall notify the Superintendent or principal if their student has a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program or meeting.

(cf. 9320 - Meetings and Notices)
(cf. 9322 – Agenda/Meeting Materials)

The individual identified in BP/AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws is hereby designated as the district's ADA coordinator. That person shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

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Legal References:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 48985 Notices to parents in language other than English
- 51007 Legislative intent: state policy

GOVERNMENT CODE

- 11000 Definitions
- 11135 Nondiscrimination in programs or activities funded by state
- 11138 Rules and regulations
- 12900-12996 Fair Employment and Housing Act
- 54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

- 422.55 Definition of Hate Crime
- 422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

- 4600-4687 Uniform complaint procedures
- 4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

- 1400- 1482 Individuals with Disabilities in Education Act
- 1681-1688 Discrimination based on sex or blindness, Title IX
- 2301- 2415 Carl D. Perkins Vocational and Applied Technology Act
- 6311 State plans
- 6312 Local education agency plans

UNITED STATES CODE, TITLE 29

- 794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

- 2000d-2000d-7 Title VI, Civil Rights Act of 1964
- 2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
- 2000h-2000h-6 Title IX
- 12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.101-35.190 Americans with Disabilities Act
- 36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

- 100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
- 104.1-104.39 Section 504 of the Rehabilitation Act of 1973
- 106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
- 106.9 Dissemination of policy

Management Resources:

CSBA PUBLICATIONS

- Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016
- Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
- Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
- Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

- California Law Prohibits Workplace Discrimination and Harassment

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

- Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
- Dear Colleague Letter: Title IX Coordinators, April 2015
- Dear Colleague Letter: Harassment and Bullying, October 2010
- Dear Colleague Letter: Electronic Book Readers, June 29, 2010
- Notice of Non-Discrimination, January, 1999
- Protecting Students from Harassment and Hate Crime, January, 1999
- Nondiscrimination in Employment Practices in Education, August 1991

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

- 2010 ADA Standards for Accessible Design, September 2010
- Accessibility of State and Local Government Websites to People with Disabilities, June 2003

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

- Web Content Accessibility Guidelines, December 2008

WEBSITES

- CSBA: <http://www.csba.org>
- California Department of Education: <http://www.cde.ca.gov>

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California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Safe Schools Coalition: <http://www.casafeschoolscoalition.org>

Pacific ADA Center: <http://www.adapacific.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>

Policy
adopted: April 15, 2003
revised: August 21, 2012
Revised: October 17, 2017
Revised: July 19, 2018

BOARD OF EDUCATION OF THE SLCUSD
San Luis Obispo, California