



Book	EMUHSD Board Policies, Administrative Regulations, & Exhibits
Section	0000 Series: Philosophy-Goals-Objectives and Comprehensive Plans
Title	Nondiscrimination In District Programs And Activities
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## **NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES**

The Board of Trustees is committed to providing equal opportunity for all individuals in education. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, pregnancy or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a 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. 4032 - *Reasonable Accommodation*)  
 cf. 4033 - *Lactation Accommodation*)  
 (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. 6145.2 - *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*)

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 AR 1312.3 - Uniform Complaint Procedures.

*(f. 1312.3 - Uniform Complaint Procedures)*

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, application form, or other materials distributed to these groups and, as applicable, to the public. 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.

*(cf. 1113 - District and School Web Sites)**(cf. 1114 - District-Sponsored Social Media)**(cf. 4112.9/4212.9/4312.9 - Employee Notifications)**(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. , In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

**Access for Individuals 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)**(cf. 7111 - Evaluating Existing Buildings)*

The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

*(cf. 6020 – Parent Involvement)*

Individuals with disabilities shall notify the Superintendent or principal if they have 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)**Legal Reference:*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*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011**Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010**U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS PUBLICATIONS**Notice of Non-Discrimination, January, 1999**Protecting Students from Harassment and Hate Crime, January, 1999**Nondiscrimination in Employment Practices in Education, August, 1991**WEB SITES**California Department of Education: <http://www.cde.ca.gov>**CSBA: <http://www.csba.org>**Safe Schools Coalition: <http://www.casafeschoolscoalition.org>**Pacific ADA Center: <http://www.adapacific.org>**U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/about/offices/list/ocr>***CSBA GAMUT Revised on 10/2016**