

**BOARD POLICY**  
**Placentia-Yorba Linda Unified School District**

Philosophy/Goal/Objectives

0410 - BP

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES**

The Board of Education is committed to providing equal opportunity for all individuals in district programs and activities. 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, ethnicity, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, genetic information, or immigration status; 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. District programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

All individuals shall be treated equitably in the receipt of district and school services. 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.

District programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources. The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

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, including the use of facilities. 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.

Except for allegations of sex discrimination or sex-based harassment, allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy and Administrative Regulation 1312.3-Uniform Complaint Procedures. Complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures for the District.

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 the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups. 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 website and, when available, district-supported social media.

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.

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 through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

### **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.

The Superintendent or designee shall ensure that the District provides appropriate 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 unless such provision would result in a fundamental alteration in the nature of a service, program, or activity or would result in undue administrative or financial burdens. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school websites, note takers, written materials, taped text, and Braille or large print materials.

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.

The individual(s) responsible for coordinating the district's response to complaints and for complying with state federal civil rights laws are:

- 1.) Employee Complaints
  - Assistant Superintendent, Human Resources (714) 985-8408
- 2.) Title IX Sexual Harassment and any other discrimination complaints
  - Director, Student Services, Title IX Coordinator (714) 985-8656
- 3.) Americans with Disabilities Act complaints
  - Assistant Superintendent, Student Support Services (714) 985-8727
- 4.) Bullying, intimidation complaints
  - Administrator, Student Services (714) 985-8658

### **LEGAL REFERENCE:**

Education Code

200-262.4

Prohibition of discrimination

	48980	Parental notification
	48985	Notices to parents in language other than English
	51007	Legislative intent: state policy
<u>Government Code</u>	8310.3	California Religious Freedom Act
	11000	Definitions
	11135	Nondiscrimination in programs or activities funded by state
	12900-12996	Fair Employment and Housing Act
	54953.2	Brown Act compliance with Americans with Disabilities Act
<u>Penal Code</u>	422.55	Definition of hate crime
<u>Code of Regulations, Title 5</u>	422.6	Interference with constitutional right or privilege
	4600-4687	Uniform complaint procedures
	4900-4965	Nondiscrimination in elementary and secondary education programs
<u>United States Code, Title 20</u>	1400–1482	Individuals with Disabilities in Education Act
	1681–1688	Discrimination based on sex or blindness, Title IX
	2301-2414	Strengthening Career and Technical Education for the 21 <sup>st</sup> Century Act
	6311	State plans
	6312	Local education agency plans
<u>United States Code, Title 29</u>	794	Section 504 of the Vocational Rehabilitation Act of 1973
<u>United States Code, Title 42</u>	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
<u>Code of Federal Regulations, Title 28</u>	35.101-35.190	Americans with Disabilities Act
	36.303	Auxiliary aids and services
<u>Code of Federal Regulations, Title 34</u>	100.1-100.13	Nondiscrimination
	104.1-104.39	In federal programs, effectuating Title VI
	106.1-106.61	Section 504 of the Rehabilitation Act of 1973
	106.9	Discrimination on the basis of sex, effectuating Title IX, especially: Dissemination of policy

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