

Policy 0410: Nondiscrimination In District Programs And Activities

Status: ADOPTED

Original Adopted Date: 10/10/2018

The Board of Trustees 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, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender 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. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 6145 - Extracurricular and Co-curricular 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)

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.

(cf. 3540 - Transportation)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5145.13 - Response to Immigration Enforcement)

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

The Superintendent or designee shall annually 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.

(cf. 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 the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's web site and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

(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)

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)

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 (ADA) 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 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. 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 web sites, notetakers, 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 a school-sponsored function, program, or meeting.

(cf. 6020 - Parent Involvement)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state federal civil rights laws is hereby designated as the district's ADA coordinator. He/she 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.

Superintendent

40096 Indian Springs Rd.

Oakhurst, CA 93644

(559) 642-1555

rseals@basslakesd.org

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

5 CCR 4900-4965

Ed. Code 200-262.4

Ed. Code 48980

Ed. Code 48985

Ed. Code 51007

Gov. Code 11000

Gov. Code 11135

Gov. Code 12900-12996

Gov. Code 54953.2

Gov. Code 8310.3

Pen. Code 422.55

Pen. Code 422.6

Description

[Uniform complaint procedures](#)

[Nondiscrimination in elementary and secondary education programs](#)

[Educational equity; prohibition of discrimination on the basis of sex](#)

[Parental notifications](#)

[Notices to parents in language other than English](#)

[Legislative intent: state policy](#)

[Definitions](#)

[Nondiscrimination in programs or activities funded by state](#)

[Fair Employment and Housing Act](#)

[Brown Act compliance with Americans with Disabilities Act](#)

[California Religious Freedom Act](#)

[Definition of hate crime](#)

[Interference with constitutional right or privilege](#)

Federal References

20 USC 1400-1482

20 USC 1681-1688

20 USC 1681-1688

20 USC 2301-2414

20 USC 6311

20 USC 6312

28 CFR 35.101-35.190

28 CFR 36.303

29 USC 794

34 CFR 100.1-100.13

34 CFR 104.1-104.39

Description

[Individuals with Disabilities in Education Act](#)

[Discrimination based on sex or blindness, Title IX](#)

[Title IX, 1972 Education Act Amendments](#)

[Strengthening Career and Technical Education for the 21st Century Act](#)

[State plan](#)

[Local educational agency plan](#)

[Americans with Disabilities Act](#)

[Auxiliary aids and services](#)

[Rehabilitation Act of 1973, Section 504](#)

[Nondiscrimination in federal programs, effectuating Title VI](#)

[Section 504 of the Rehabilitation Act of 1973](#)

34 CFR 106.1-106.61
34 CFR 106.9
42 USC 12101-12213
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17

[Discrimination on the basis of sex, effectuating Title IX](#)
[Dissemination of policy](#)
[Americans with Disabilities Act](#)
[Title VI, Civil Rights Act of 1964, as amended](#)
[Title VII, Civil Rights Act of 1964, as amended](#)

Management Resources References

Description

CA Dept of Fair Employment and Housing Publication
CA Office of the Attorney General Publication
CSBA Publication
U.S. Department of Justice Publication
U.S. Department of Justice Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
Website
Website
Website
Website
Website
Website
Website
Website
Website
Website
World Wide Web Consortium Publication

[California Law Prohibits Workplace Discrimination and Harassment](#)
[Promoting a Safe and Secure Learning Environment for All](#)
[Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017](#)
[2010 ADA Standards for Accessible Design, September 2010](#)
[Accessibility of State and Local Government Websites to People with Disabilities, June 2003](#)
[Dear Colleague Letter: Harassment and Bullying, October 2010](#)
[Notice of Non-Discrimination, Fact Sheet, August 2010](#)
[Dear Colleague Letter: Electronic Book Readers, June 29, 2010](#)
[Nondiscrimination in Employment Practices in Education, August 1991](#)
[Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016](#)
[Dear Colleague Letter: Title IX Coordinators, April 2015](#)
[Dear Colleague Letter, May 26, 2011](#)
[California Office of the Attorney General](#)
[Pacific ADA Center](#)
[U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act](#)
[World Wide Web Consortium, Web Accessibility Initiative](#)
[California Safe Schools Coalition](#)
[California Department of Fair Employment and Housing](#)
[U.S. Department of Education, Office for Civil Rights](#)
[U.S. Equal Employment Opportunity Commission](#)
[CSBA](#)
[California Department of Education](#)
[Web Content Accessibility Guidelines, December 2008](#)

Cross References

Description

0100
0450
0450
0470
1100
1113
1113

[Philosophy](#)
[Comprehensive Safety Plan](#)
[Comprehensive Safety Plan](#)
[COVID-19 Mitigation Plan](#)
[Communication With The Public](#)
[District And School Web Sites](#)
[District And School Web Sites](#)

1113-E(1)	District And School Web Sites
1230	School-Connected Organizations
1240	Volunteer Assistance
1240	Volunteer Assistance
1240-E(1)	Volunteer Assistance - Bass Lake Joint Union Elementary School District
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1325	Advertising And Promotion
1330	Use Of School Facilities
1330	Use Of School Facilities
1330-E(1)	Use Of School Facilities
2210	Administrative Discretion Regarding Board Policy
3260	Fees And Charges
3260	Fees And Charges
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3290	Gifts, Grants And Requests
3311	Bids
3311	Bids
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3540	Transportation
3540	Transportation
3541.2	Transportation For Students With Disabilities
3541.2	Transportation For Students With Disabilities
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3555-E(2)	Nutrition Program Compliance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4033	Lactation Accommodation
4040	Employee Use Of Technology
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4111	Recruitment And Selection

4111.2	Legal Status Requirement
4111.2	Legal Status Requirement
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4144	Complaints
4144	Complaints
4161.8	Family Care And Medical Leave
4211	Recruitment And Selection
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.21	Professional Standards
4219.21-E(1)	Professional Standards - Code Of Ethics
4219.22	Dress And Grooming
4244	Complaints
4244	Complaints
4261.8	Family Care And Medical Leave
4311	Recruitment And Selection
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4331	Staff Development
4331	Staff Development
4344	Complaints
4344	Complaints
4361.8	Family Care And Medical Leave
5126	Awards For Achievement
5126	Awards For Achievement
5131.2	Bullying

5131.2	Bullying
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parental Notifications
5145.6-E(1)	Parental Notifications
5145.6-E(2)	Parental Notifications
5145.6-E(3)	Parental Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
6000	Concepts And Roles
6020	Parent Involvement
6020	Parent Involvement
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition Of Religious Beliefs And Customs
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6157	Distance Learning
6158	Independent Study
6158	Independent Study
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.1-E(2)	Selection And Evaluation Of Instructional Materials
6162.5	Student Assessment
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6173	Education For Homeless Children
6173	Education For Homeless Children

6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.4	Title VI Indian Education Program
6175	Migrant Education Program
6181	Alternative Schools/Programs Of Choice
7110	Facilities Master Plan
7111	Evaluating Existing Buildings
7310	Naming Of Facility
9320-B	Meetings And Notices
9322-B	Agenda/Meeting Materials