

## NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

The Governing Board is committed to providing equal opportunity for all individuals in education. District programs, ~~and~~ activities, facilities and practices shall be free from discrimination based on gender, race, color, religion, ancestry, nationality, national origin, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression, or genetic information; or 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. The Board shall promote programs which ensure that discriminatory practices are eliminated in all district activities:

*(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. 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 - Vocational Career Technical Education)*

*(cf. 6200 - Adult Education)*

Annually, the Superintendent or designee shall review District programs and activities to ensure the removal of any 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. The Superintendent or designee shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report findings and recommendations to the Board after each review.

*(cf. 1330 - Use of Facilities)*

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, handbook, application form, or other materials distributed to these groups.

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

*(cf. 5145.6 - Parental Notifications)*

## NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)

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 implementation standards and/or regulations.

*(cf. 6163.2 – Animals at School)*

*(cf. 7110 – Facilities Master Plan)*

*(cf. 7111 – Evaluating Existing Buildings)*

District programs and facilities, viewed in their entirety, shall be readily accessible to and usable by individuals with disabilities. In addition, new construction and alterations to facilities existing before January 26, 1992, shall be accessible when viewed in their entirety.

The Superintendent or designee shall ensure that the District provides appropriate auxiliary aids and services where 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)*

*(cf. 5124 – Communication with Parents/Guardians)*

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. 9233 – Agenda/Meeting Materials)*

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, application form or other recruitment materials distributed to these groups. (34 CFR 104.8, 106.9)

The Superintendent or designee shall also provide information about related complaint procedures:

*(cf. 1312.3 – Uniform Complaint Procedures)*

*(cf. 4031 – Complaints Concerning Discrimination in Employment)*

## NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)

To the extent possible, the district's nondiscrimination policy shall be published in the individual's primary language.

*(cf. 5145.6 -- Parental Notifications)*

*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

receiving state financial assistance

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

## NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)

*Management Resources:***CSBA PUBLICATIONS****Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014****Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities, & Facilities March 2014****Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011****U.S. DEPARTMENT OF EDUCATION, OFFICE FOR 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****U.S. DEPARTMENT OF JUSTICE PUBLICATIONS****2010 ADA Standards for Accessible Design, September 2010****WEB SITES:****CSBA: <http://www.csba.org>****California Department of Education CDE: <http://www.cde.ca.gov>****Safe Schools Coalition: <http://www.casafeschoolscoalition.org>****Pacific ADA Disability and Business Technical Assistance Center:****<http://www.paedbtadapacific.org>****U.S. Department of Education, Office for Civil Rights:****<http://www.ed.gov/about/offices/list/ocr/index.html>****U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act:****<http://www.ada.gov>**Policy  
adopted: November 12, 2002MT. DIABLO UNIFIED SCHOOL DISTRICT  
Concord, California