

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

The Governing Board is committed to *providing* equal opportunity for all individuals in *education 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, or* parental status, physical or mental disability, sex, sexual orientation, gender, gender identity *or*, *gender* expression, or genetic information; *the 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.

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.

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.

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.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parent/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on non-discrimination and related complaint procedures. Such notification shall be included in *the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, each* in announcements, bulletins, catalogs, application forms or other *recruitment* materials distributed to these *groups* *district*. *The notification shall also be posted on the district's web site and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.*

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 *and*. *In addition, when required by law, in a language other than English 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.*

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIESAccess 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.*

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*, 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 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.

*Assistant Superintendent, Administrative Services
35320 Daggett-Yermo Rd.
Yermo, CA 92398
760-254-2916*

Legal Reference:

EDUCATION CODE

200-262.4	Prohibition of discrimination
48980	<i>Parental notifications</i>
48985	Notices to parents in language other than English
51007	Legislative intent; state policy

GOVERNMENT CODE

8310.3	<i>California Religious Freedom Act</i>
11000	Definitions
11135	Rules and regulations <i>Nondiscrimination in programs or activities funded by state</i>
12900-12996	Fair Employment and Housing Act
54953.2	Brown Act compliance with American with Disabilities Act

PENAL CODE

422.55	Definition of hate crime
422.6	Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4600-46870	Uniform Complaint procedures
4900-4965	Nondiscrimination in elementary and secondary education programs receiving state financial assistance

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UNITED STATES CODE, TITLE 20

1400-1487 ²	Individuals with Disabilities in Education Act
1681-1688	Discrimination based on sex or blindness, Title IX
2301-2415 ⁴	Carl D. Perkins Vocational and Applied Technology Act <i>Strengthening Career and Technical Education for the 21st Century Act</i>
6311	State plans
6312	Local education agency plans

UNITED STATES CODE, TITLE 29

794	Section 504 of the Rehabilitation Act of 1973
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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
Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment

U.S. DEPARTMENT OF EDUCATION, OFFICE OF 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, May 26, 2011
Dear Colleague Letter: Harassment and Bullying, October 2010
Notice of Non-Discrimination, January, 1999 **Fact Sheet, August 2010**
Dear Colleague Letter: Electronic Book Readers, June 29, 2010
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

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines, December 2008

WEB SITES

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov>

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

California Office of the Attorney General: <http://oag.ca.gov>

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

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

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

Adopted

Date: 5-10-84

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Revised: _____

Silver Valley Unified School District