

Policy 0410: Nondiscrimination In District Programs And Activities

Status: DRAFT

Original Adopted Date: 12/12/2006 | Last Revised Date: 01/09/2024 | Last Reviewed Date: 01/09/2024

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board 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, **childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery**; parental, **family, or marital** status; reproductive health decisionmaking; physical or mental disability; medical condition; sex; **sex stereotypes; sex characteristics**; sexual orientation; gender; gender identity; gender expression; veteran or military status; 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.

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 of the categories 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)~~ **(Education Code 243)**

Additionally, 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 adopted by the Board or district if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

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. The Superintendent or designee shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

~~All~~**Except for allegations of sex discrimination or sex-based harassment**, allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy **and Administrative Regulation 1312.3 - Uniform Complaint Procedures, for students, and Administrative Regulation 4030 - Nondiscrimination in Employment, for employees. Complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 and as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for students, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for employees.**

Pursuant to 34 CFR 104.8 and 34 CFR 106.8, 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 website and social media 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. (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. (Education Code 48985; 20 USC 6312)

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.

The Superintendent or designee shall ensure that the district provides **district's web and mobile applications comply with technical standards prescribed by law, and as necessary, shall provide** 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~~ **district services, programs, or activity** ~~activities~~. 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, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Superintendent or designee 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.

The individual identified in Administrative Regulation 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. The compliance officer 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.

Director of Student Support Services

546 South Citrus Avenue
Azusa, CA 91702
(626) 858-6168

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

Description

Uniform complaint procedures

5 CCR 4900-4965

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Ed. Code 200-270

[Prohibition of discrimination](#)

Ed. Code 48980

[Parent/Guardian notifications](#)

Ed. Code 48985

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

Ed. Code 51007

[Legislative intent: state policy](#)

Ed. Code 51204.5

[Social sciences instruction; contributions of specified groups](#)

Ed. Code 51501

[Nondiscriminatory subject matter](#)

Ed. Code 60010

[Instructional materials; definition](#)

State References

Ed. Code 60040-60052
 Gov. Code 11000
 Gov. Code 11135
 Gov. Code 12900-12996
 Gov. Code 54953
 Gov. Code 54953.2
 Gov. Code 8310.3
 Pen. Code 422.55
 Pen. Code 422.6

Federal References

20 USC 1400-1482
 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
 34 CFR 106.1-106.82
 42 USC 12101-12213
 42 USC 2000d-2000d-7
 42 USC 2000e-2000e-17

Management Resources References

CA Civil Rights Department Publication
 CA Department of Health Care Services Publication
 CA Department of Health Care Services Publication
 CA Office of the Attorney General Publication
 CA Office of the Attorney General Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication

Description

[Requirements for instructional materials](#)
[Definitions](#)
[Prohibition of discrimination](#)
[Fair Employment and Housing Act](#)
 Meetings; Americans with Disabilities Act accessibility
[Brown Act compliance with Americans with Disabilities Act](#)
[California Religious Freedom Act](#)
[Definition of hate crime](#)
[Crimes; harassment](#)

Description

Individuals with Disabilities Education Act
 Title IX of the Education Amendments of 1972; discrimination based on sex
[Strengthening Career and Technical Education for the 21st Century Act](#)
 State plan
 Local educational agency plan
 Americans with Disabilities Act
 Nondiscrimination on the basis of disability, public accommodations, 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
 Discrimination on the basis of sex; effectuating Title IX
 Americans with Disabilities Act
 Title VI, Civil Rights Act of 1964
 Title VII, Civil Rights Act of 1964, as amended

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[California Law Prohibits Workplace Discrimination and Harassment, January 2024](#)
[Policy and Procedures Letter No. 21-017R, December 2021](#)
[Policy and Procedures Letter No. 23-004, February 2023](#)
[Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024](#)
[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](#)
[Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024](#)
[Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024](#)
[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024](#)

Management Resources References**Description**

CSBA Publication	Parental and Student Rights in Relation to Transgender and Gender Nonconforming Students, Recently Asked Questions, August 2023
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
U.S. DOE & U.S. DOJ Civil Rights Divisions Pub	Resource on Confronting Racial Discrimination in Student Discipline, May 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Supporting Transgender Youth in School, June 2021
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011
U.S. DOE, Office for Civil Rights Publication	Nondiscrimination in Employment Practices in Education, August 1991
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Race and School Programming, August 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
U.S. DOJ, Civil Rights Division Publication	Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments, April 2024
U.S. DOJ, Civil Rights Division Publication	Guidance on Web Accessibility and the ADA, March 2022
U.S. DOJ, Civil Rights Division Publication	Accessibility of State and Local Government Websites to People with Disabilities, February 2020
U.S. DOJ, Civil Rights Division Publication	2010 ADA Standards for Accessible Design, September 2010
Website	CSBA District and County Office of Education Legal Services
Website	California Office of the Attorney General
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	Pacific ADA Center
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	California Safe Schools Coalition
Website	CSBA
Website	California Department of Education
Website	California Civil Rights Department
Website	Equal Employment Opportunity Commission
Website	U.S. Department of Education, Office for Civil Rights
Website	California Department of Health Care Services
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, September 2023

Cross References**Description**

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0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
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1312.2	Complaints Concerning Instructional Materials
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1312.3-E PDF(2)	Uniform Complaint Procedures
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1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
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3541.2	Transportation For Students With Disabilities
3551	Food Service Operations/Cafeteria Fund
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4030	Nondiscrimination In Employment
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4040-E PDF(1)	Employee Use Of Technology
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4119.11	Sex Discrimination and Sex-Based Harassment
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4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
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4219.21-E PDF(1)	Professional Standards - Code Of Ethics Classified Employees
4219.22	Dress And Grooming
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5145.13	Response To Immigration Enforcement
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5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures

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