

## **Philosophy, Goals, Objectives and Comprehensive Plans**

BP 0410 (a)

### **NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES**

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 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, reproductive health decision making, physical or mental disability, sex, sexual orientation, gender, gender identity gender expression, veteran or military status, or genetic information; or 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.

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)

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 the findings and recommendations to the Board after each review.

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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 106.8 ~~206.9~~, 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 and related complaint procedures. Such notification shall be included in 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 room, 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.

**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 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, 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 a school-sponsored function, program, or meeting.

The individuals identified AR 1312.3 – Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state

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federal civil rights laws is hereby designated as the district's ADA coordinator. ~~He/she~~ 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.

Susan Salucci, Assistant Superintendent, Human Resource  
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Legal Reference:

***State***

5 CCR 4600-4670: Uniform complaint procedures  
5 CCR 4900-4965: Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance  
Ed. Code 200-262.4: 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  
Ed. Code 60040-60052: Requirements for instructional materials  
Gov. Code 11000: Definitions  
Gov. Code 11135: Prohibition of discrimination  
Gov. Code 12900-12996: Fair Employment and Housing Act  
Gov. Code 54953: Meetings; Americans with Disabilities Act accessibility  
Gov. Code 54953.2: Brown Act compliance with Americans with Disabilities Act  
Gov. Code 8310.3: California Religious Freedom Act  
Pen. Code 422.55: Definition of hate crime  
Pen. Code 422.6: Crimes; harassment

***Federal***

20 USC 1400-1482: Individuals with Disabilities Education Act  
20 USC 1681-1688: Title IX of the Education Amendments of 1972; discrimination based on sex  
20 USC 2301-2414: Strengthening Career and Technical Education for the 21st Century Act  
20 USC 6311: State plan  
20 USC 6312: Local educational agency plan  
28 CFR 35.101-35.190: Americans with Disabilities Act  
28 CFR 36.303: Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services  
29 USC 794: Rehabilitation Act of 1973; Section 504  
34 CFR 100.1-100.13: Nondiscrimination in federal programs; effectuating Title VI  
34 CFR 104.1-104.39: Section 504 of the Rehabilitation Act of 1973  
34 CFR 106.1-106.82: Discrimination on the basis of sex; effectuating Title IX  
42 USC 12101-12213: Americans with Disabilities Act

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42 USC 2000d-2000d-7: Title VI, Civil Rights Act of 1964

42 USC 2000e-2000e-17: Title VII, Civil Rights Act of 1964, as amended

**Management Resources**

CA Civil Rights Department Publication: California Law Prohibits Workplace Discrimination and Harassment

CA Department of Health Care Services Publication: Policy and Procedures Letter No. 21-017R, December 2021

CA Department of Health Care Services Publication : Policy and Procedures Letter No. 23-004, February 2023

CA Office of the Attorney General Publication: 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

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

U.S. DOE & U.S. DOJ Civil Rights Divisions Pub: Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 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: 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: U.S. 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, December 2008

Policy Adopted: 12/13/23

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California