

Book	BCSD Board Policies
Section	0300 General Control
Title	NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES
Number	0300.63
Status	Active
Adopted	August 26, 2008
Last Revised	September 22, 2020

The Governing 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 discriminatory harassment, intimidation, and bullying based on actual or perceived characteristics of age, ethnicity or race, which is inclusive of traits historically associated with race, including but not limited to, hair texture and protective hairstyles, such as braids, locks, and twists, color, ancestry, nationality, national origin, immigration status, ethnic group identifications, religion, pregnancy, marital status, parental status, physical disability, mental disability, sex (including sexual harassment), sexual orientation, gender, gender identity, gender expression, medical information, genetic information, homelessness, foster status, military veteran status, political affiliation or any other characteristic identified in Education Code Section 200 or 220, California Penal Code Section 422.55, Government Code Section 11135, and Title IX, or based on association with a person or group with one or more of these actual or perceived characteristics. The Board shall promote programs that are designed to ensure that discriminatory practices are eliminated in all District activities.

(cf. BP 300.41 – Identification and Education under Section 504)
 (cf. BP 400.20 – Athletics)
 (cf. BP 400.22 – Extracurricular Activities-Social Events)
 (cf. BP 400.35 – Extracurricular and Cocurricular Activities)
 (cf. BP 500.13 – Lactation Accommodation)
 (cf. BP 500.38 – Sexual Harassment)
 (cf. BP 500.49 – Nondiscrimination in Employment)
 (cf. BP 601.02 – Bullying)
 (cf. BP 601.06 – Sexual Harassment of or by Students)
 (cf. BP 601.12 – Hate-Motivated Behavior)
 (cf. BP 601.14 – Nondiscrimination/Harassment)
 (cf. BP 603.24 – Married/Pregnant/Parenting Students)
 (cf. BP 604.11 – Volunteer Assistance)
 (cf. BP 606.12 – Identification and Evaluation of Individuals for Special 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. BP 606.14 – Response to Immigration Enforcement)
 (cf. BP 1000.02 – Transportation)
 (cf. BP 1000.03 – Free and Reduced Price Meals)

District Programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames (Education Code Sections 221.2-221.3).

The Superintendent or designee shall 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, including the use of facilities. The Superintendent or designee shall take prompt, reasonable actions to remove any identified barrier.

(cf. BP 800.05 – Use of School 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. BP 605.03 – Uniform Complaint Procedures)

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 be posted on the District's web site and supported social media and in District schools and offices, including staff lounges, student government rooms, and other prominent (Title 34, Code of Federal Regulations, Section 104.8 and 106.9).

(cf. BP 300.56 – Parental Notifications)

(cf. BP 300.68 – Social Media)

(cf. BP 500.50 – District and School Web Sites)

(cf. BP 605.03 – Uniform Complaint Procedures)

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 Section 234.7).

The District's nondiscrimination policy and related materials shall be published in a format parents/guardians can understand. In addition, when fifteen (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.

(cf. BP 300.56 – Parental Notifications)

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, 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. The Superintendent or designee shall determine whether such aids and services are reasonable.

(cf. BP 400.36 – Parent Involvement)

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. BP 100.42 – Meetings and Notices)

(cf. BP 100.45 – Agenda/Meeting Notices)

The individual identified in Administrative Regulation 605.03 – Uniform Complaint Procedures as the employee responsible for coordinating the District's response to complaints and for complying with state and federal civil rights laws is hereby designated as the District's ADA coordinator. They 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.

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Legal Reference: EDUCATION CODE

200-262.4 Prohibition of discrimination
48980 Parental notifications
48985 Notices to parents in language other than English
51007 Legislative intent: state policy

GOVERNMENT CODE

8310.3 California Religious Freedom Act
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 Interface 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 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

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