

Philosophy, Goals, Objectives, Comprehensive Plans

BP 0410 (a)

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

The Governing Board is committed to providing equal opportunity for all individuals 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 Board and the Superintendent in enacting policies and procedures that govern the district. (Education Code 234.1)

District programs, activities, and practices shall be free from unlawful discrimination against an individual or group based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; parental, marital, and family status; and veteran or military status; 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. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2)

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 any 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)

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

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Derogatory Native American terms, including Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Redskins, Savages, Squaws, and Tribe, shall not be used for any school or athletic team name, mascot, or nickname, unless permitted in accordance with Education Code 221.3.

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 complaints alleging unlawful discrimination in district programs and activities shall be 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.

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 annual parental notification distributed in accordance with Board Policy/Exhibit (1) 5145.6-Parent/Guardian Notifications 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.

The Superintendent or designee shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, and their rights related to immigration enforcement. (Education Code 234.7)

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. Additionally, 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

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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'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, programs, or 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, note takers, 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 individuals identified by 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.

Joe Schmidt, Assistant Superintendent, Human Resources
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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 33315: Uniform complaint procedures

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

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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 621: Age discrimination in employment

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

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, January 2024

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: Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024

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

Court Decision: Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53

Court Decision: Tennessee v. Cardona (2024) 737 F.Supp.3d 510

Court Decision: Students for Fair Admissions v. Harvard (2024) 600 U.S. 181

Court Decision: Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581

Court Decision: McDonnell Douglas Corp v. Green (1973) 411 U.S. 792

Court Decision: John T. D. v. River Delta Joint Unified School District (2021) WL 5176356

CSBA Publication: Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024

CSBA Publication: Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024

CSBA Publication: Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024

Federal Register: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579

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, Office for Civil Rights Publication: Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act, February 28, 2025

U.S. DOE, Office for Civil Rights Publication: Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students For Fair Admissions v. Harvard, February 14, 2025

U.S. DOE, Office for Civil Rights Publication: Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025

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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: 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: Dear Colleague Letter: Electronic Book Readers, June 29, 2010

U.S. DOE, Office for Civil Rights Publication: Nondiscrimination in Employment Practices in Education, August 1991

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: Pacific ADA Center

Website: U.S. Department of Justice, Civil Rights Division, Disability Rights Section

Website: World Wide Web Consortium, Web Accessibility Initiative

Website: California Office of the Attorney General

Website: California Safe Schools Coalition

Website: CSBA

Website: California Department of Education

Website: California Civil Rights Department

Website: U.S. Department of Education, Office for Civil Rights

Website: California Department of Health Care Services

Website: U.S. Equal Employment Opportunity Commission

World Wide Web Consortium Publication: Web Content Accessibility Guidelines, September 2023

Policy Adopted: 10/8/25

**ORCUTT UNION SCHOOL DISTRICT
Orcutt, California**