

NONDISCRIMINATION IN LACOE PROGRAMS AND ACTIVITIES

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

The County Board is committed to equal opportunity for all individuals in education. LACOE programs, activities, and practices shall be free from unlawful discrimination and harassment including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, ethnic group identification, ethnicity, citizenship and immigration status (except where required by law), age, religion, marital status, pregnancy, parental status, reproductive health decision-making, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity or expression, or genetic information, 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. These terms are defined by state or federal statute.

(cf. 1240 – Volunteer Assistance)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6145 – Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

All individuals shall be treated equitably in the receipt of LACOE and school services. Personally identifiable information collected in the implementation of any LACOE 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 County Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by LACOE 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.

LACOE 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 County Board or LACOE 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)

NONDISCRIMINATION IN LACOE PROGRAMS AND ACTIVITIES (continued)

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

Annually, the Superintendent or designee shall review LACOE 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 LACOE's programs and activities. The County Superintendent or designee shall take prompt, reasonable actions to remove any identified barrier. The County Superintendent or designee shall report the findings and recommendations to the County Board after each review.

(cf. 1330 - Use of Facilities)

All allegations of unlawful discrimination in LACOE's programs and activities shall be brought, investigated, and resolved in accordance with the procedures specified in AR 1312.3 – Uniform Complaint Procedures.

(cf. 1312.3 – Uniform Compliant Procedures)

Pursuant to 34 CFR 104.8 and 34 CFR 106.8, the County Superintendent or designee will notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about LACOE's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups and, as applicable, to the public. As appropriate, such notification shall be posted in LACOE's schools and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on LACOE's website and, when available, LACOE-supported social media.

(cf. 1113 – Web Sites)

(cf. 1114 – LACOE Approved Social Media)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

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)

LACOE's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand and, when required by law, in a language other than English. (Education Code 48985; 20 USC 6312)

NONDISCRIMINATION IN LACOE PROGRAMS AND ACTIVITIES (continued)**Access for Individuals with Disabilities**

LACOE 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 LACOE 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.

(cf. 7110 - Facilities Master Plan)

The County Superintendent or designee will ensure that LACOE provides 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 LACOE and school websites, notetakers, written materials, taped text, and Braille or large print materials.

(cf. 6020 - Parent Involvement)

Individuals with disabilities shall notify the County Superintendent or designee, or principal 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.

(cf. 6020 - Parent Involvement)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating LACOE's response to complaints and for complying with state and federal civil rights laws is hereby designated as LACOE'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 LACOE's programs, services, activities, or facilities.

Hugo Aceves

(Name)

ADA Title II Coordinator, Risk Management)

(Title or Position)

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Legal References (see next page)

NONDISCRIMINATION IN LACOE PROGRAMS AND ACTIVITIES (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
48980 Parent/Guardian notifications
48985 Notices to parents in language other than English
51007 Legislative intent: state policy
51204.5 Social sciences instruction; contributions of specified groups
51501 Nondiscriminatory subject matter
60010 Instructional materials; definition
60040-60052 Requirements for instructional materials

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 Meetings; Americans with Disabilities Act accessibility
54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

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

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in 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:

Management Resources (continued next page)

NONDISCRIMINATION IN LACOE PROGRAMS AND ACTIVITIES (continued)

Management Resources:

CSBA PUBLICATIONS

Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Parental and Student Rights in Relation to Transgender and Gender Nonconforming Students, Recently Asked Questions, August 2023

CALIFORNIA CIVIL RIGHTS DEPARTMENT PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment

CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS

Policy and Procedures Letter No. 23-004, February 2023

Policy and Procedures Letter No. 21-017R, December 2021

CALIFORNIA 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

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Race and School Programming, August 2023

Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010 Dear Colleague Letter, May 26, 2011

Supporting Transgender Youth in School, June 2021

Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023

Dear Colleague Letter: Transgender Students, May 2016

Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Electronic Book Reader, 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, CIVIL RIGHTS DIVISION PUBLICATIONS

Guidance on Web Accessibility and the ADA, March 2022

2010 ADA Standards for Accessible Design, September 2010

Accessibility of State and Local Government Websites to People with Disabilities, February 2020

WORLDWIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines, December 2008

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

California Civil Rights Department: <https://calcivilrights.ca.gov/>

California Department of Health Care Services (<https://www.dhcs.ca.gov>)

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

Pacific ADA Center: <http://www.adapacific.org>

U.S. Department of Education, Office for 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 Opportunity Commission: www.eeoc.gov

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

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