

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 0410

NONDISCRIMINATION

The County Superintendent is committed to providing equal opportunity for all individuals in Butte County Office of Education (BCOE) programs and activities.

This policy shall apply to all acts related to school activity or school attendance occurring within a school under BCOE jurisdiction and to all acts of the County Board of Education and the County Superintendent of Schools in enacting policies and procedures that govern BCOE.

Programs, activities, and practices shall be free from unlawful discrimination, including 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; color; ancestry; nationality; national origin; immigration status; ethnic group identification; ethnicity; age; religion; religious creed; marital status; 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; physical or mental disability; medical condition; sex; sexual orientation; sex stereotypes; gender, gender identity, gender expression, or genetic information; 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.

All individuals shall be treated equitably in the receipt of services. Personally identifiable information collected in the implementation of any 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 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.

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 materials, or other curriculum for classroom instruction, or any book or other resource in a school library, shall not be rejected or prohibited 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.

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

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school library shall not be adopted if the use would subject a student to unlawful discrimination as specified in Education Code 220.

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

The County Superintendent or designee shall annually review 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 programs and activities. Prompt and reasonable actions shall be taken to remove any identified barrier.

All allegations of unlawful discrimination in 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, the County Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the Butte County Office of Education's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental and staff notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the Butte County Office of Education. The notification shall also be posted on Butte County Office of Education's web site and social media and in schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

In addition, the annual parental and staff notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information relating to "know your rights" immigration enforcement established by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the County Superintendent or designee.

The nondiscrimination policy and related informational materials shall be published in a format that parents/guardians/staff 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

Programs and all facilities, viewed in their entirety, shall comply with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the County Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

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The COE's web and mobile applications shall comply with technical standards prescribed by law and the County Superintendent or designee shall ensure that Butte County Office of Education 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 county and school web sites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the County 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 individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating Butte County Office of Education's response to complaints and for complying with state federal civil rights laws is hereby designated as the ADA coordinator. The ADA Coordinator shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to programs, services, activities, or facilities.

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Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

333115 Uniform complaint procedures

48980 Parental/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

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8310.3 California Religious Freedom Act

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

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

4600-4670 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

2301-2414 Strengthening Career and Technical Education for the 21st Century 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, Civil Rights Act of 1964

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

35.107 Designation of responsible employee and adoption of grievance procedures

35.136 Service animals

35.150-35.151 Program accessibility; facilities

35.160 Effective communications

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

106.1-106.82 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

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