

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

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

**BP 0410**

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 providing 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, medical condition, sex, sexual orientation, gender, gender identity, gender expression, veteran or military status, or genetic information; 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 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)

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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. 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 allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.

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 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 also be posted on the district's website and social media and in district schools and offices, including staff lounges, student government meeting rooms, 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. (Education Code 48985; 20 USC 6312)

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#### **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 websites, notetakers, 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 individual identified in Administrative Regulation 1312.3 - 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. 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.

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*Policy Reference Disclaimer:*

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*These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

<b>State</b>	<b>Description</b>
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	<a href="#">Prohibition of discrimination</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 51007	<a href="#">Legislative intent: state policy</a>
Ed. Code 51204.5	<a href="#">Social sciences instruction; contributions of specified groups</a>
Ed. Code 51501	<a href="#">Nondiscriminatory subject matter</a>
Ed. Code 60010	<a href="#">Instructional materials; definition</a>
Ed. Code 60040-60052	<a href="#">Requirements for instructional materials</a>
Gov. Code 11000	<a href="#">Definitions</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 12900-12996	<a href="#">Fair Employment and Housing Act</a>
Gov. Code 54953	Meetings; Americans with Disabilities Act accessibility
Gov. Code 54953.2	<a href="#">Brown Act compliance with Americans with Disabilities Act</a>
Gov. Code 8310.3	<a href="#">California Religious Freedom Act</a>
Pen. Code 422.55	<a href="#">Definition of hate crime</a>
Pen. Code 422.6	<a href="#">Crimes; harassment</a>
<b>Federal</b>	<b>Description</b>
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	<a href="#">Strengthening Career and Technical Education for the 21st Century Act</a>
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
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964

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42 USC 2000e-2000e-17

#### **Management Resources**

CA Civil Rights Department  
Publication

CA Department of Health Care  
Services Publication

CA Department of Health Care  
Services Publication

CA Office of the Attorney General  
Publication

CSBA Publication

CSBA Publication

U.S. DOE & U.S. DOJ Civil Rights  
Divisions Pub

U.S. DOE, Office for Civil Rights  
Publication

U.S. DOE, Office for Civil Rights  
Publication

U.S. DOE, Office for Civil Rights  
Publication

U.S. DOE, Office for Civil Rights  
Publication

U.S. DOE, Office for Civil Rights  
Publication

U.S. DOE, Office for Civil Rights  
Publication

U.S. DOJ, Civil Rights Division  
Publication

U.S. DOJ, Civil Rights Division  
Publication

U.S. DOJ, Civil Rights Division  
Publication

Website

Website

Website

Website

Title VII, Civil Rights Act of 1964, as amended

#### **Description**

[California Law Prohibits Workplace Discrimination and Harassment](#)

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

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

[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](#)

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

[Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022](#)

[Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023](#)

[Supporting Transgender Youth in School, June 2021](#)

[Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011](#)

[Nondiscrimination in Employment Practices in Education, August 1991](#)

[Dear Colleague Letter: Race and School Programming, August 2023](#)

[Dear Colleague Letter: Electronic Book Readers, June 29, 2010](#)

[Dear Colleague Letter: Harassment and Bullying, October 2010](#)

Guidance on Web Accessibility and the ADA, March 2022

[Accessibility of State and Local Government Websites to People with Disabilities, February 2020](#)

[2010 ADA Standards for Accessible Design, September 2010](#)

[CSBA District and County Office of Education Legal Services](#)

[California Office of the Attorney General](#)

[World Wide Web Consortium, Web Accessibility Initiative](#)

[Pacific ADA Center](#)

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Website	<a href="#"><u>U.S. Department of Justice, Civil Rights Division, Disability Rights Section</u></a>
Website	<a href="#"><u>California Safe Schools Coalition</u></a>
Website	<a href="#"><u>CSBA</u></a>
Website	<a href="#"><u>California Department of Education</u></a>
Website	<a href="#"><u>California Civil Rights Department</u></a>
Website	<a href="#"><u>U.S. Equal Employment Opportunity Commission</u></a>
Website	<a href="#"><u>U.S. Department of Education, Office for Civil Rights</u></a>
Website	<a href="#"><u>California Department of Health Care Services</u></a>
World Wide Web Consortium Publication	<a href="#"><u>Web Content Accessibility Guidelines, December 2008</u></a>

#### **Cross References**

<b>Policy</b>	<b>Description</b>
0100	<a href="#"><u>Philosophy</u></a>
0415	<a href="#"><u>Equity</u></a>
0450	<a href="#"><u>Comprehensive Safety Plan</u></a>
0450	<a href="#"><u>Comprehensive Safety Plan</u></a>
0470	<a href="#"><u>COVID-19 Mitigation Plan</u></a>
1100	<a href="#"><u>Communication With The Public</u></a>
1113	<a href="#"><u>District And School Websites</u></a>
1113	<a href="#"><u>District And School Websites</u></a>
1113-E(1)	<a href="#"><u>District And School Websites</u></a>
1114	<a href="#"><u>District-Sponsored Social Media</u></a>
1114	<a href="#"><u>District-Sponsored Social Media</u></a>
1230	<a href="#"><u>School-Connected Organizations</u></a>
1230	<a href="#"><u>School-Connected Organizations</u></a>
1240	<a href="#"><u>Volunteer Assistance</u></a>
1240	<a href="#"><u>Volunteer Assistance</u></a>
1260	<a href="#"><u>Educational Foundation</u></a>
1312.2	<a href="#"><u>Complaints Concerning Instructional Materials</u></a>
1312.2	<a href="#"><u>Complaints Concerning Instructional Materials</u></a>
1312.2-E(1)	<a href="#"><u>Complaints Concerning Instructional Materials</u></a>
1312.3	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3-E(1)	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3-E(2)	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.4	<a href="#"><u>Williams Uniform Complaint Procedures</u></a>
1312.4-E(1)	<a href="#"><u>Williams Uniform Complaint Procedures</u></a>
1312.4-E(2)	<a href="#"><u>Williams Uniform Complaint Procedures</u></a>
1325	<a href="#"><u>Advertising And Promotion</u></a>
1330	<a href="#"><u>Use Of School Facilities</u></a>
1330	<a href="#"><u>Use Of School Facilities</u></a>
3260	<a href="#"><u>Fees And Charges</u></a>

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3260	<a href="#"><u>Fees And Charges</u></a>
3270	<a href="#"><u>Sale And Disposal Of Books, Equipment And Supplies</u></a>
3270	<a href="#"><u>Sale And Disposal Of Books, Equipment And Supplies</u></a>
3311	<a href="#"><u>Bids</u></a>
3311	<a href="#"><u>Bids</u></a>
3515.3	<a href="#"><u>District Police/ Security Department</u></a>
3515.3	<a href="#"><u>District Police/ Security Department</u></a>
3515.31	<a href="#"><u>School Resource Officers</u></a>
3530	<a href="#"><u>Risk Management/ Insurance</u></a>
3530	<a href="#"><u>Risk Management/ Insurance</u></a>
3540	<a href="#"><u>Transportation</u></a>
3541.2	<a href="#"><u>Transportation For Students With Disabilities</u></a>
3551	<a href="#"><u>Food Service Operations/ Cafeteria Fund</u></a>
3551	<a href="#"><u>Food Service Operations/ Cafeteria Fund</u></a>
3552	<a href="#"><u>Summer Meal Program</u></a>
3552	<a href="#"><u>Summer Meal Program</u></a>
3553	<a href="#"><u>Free And Reduced Price Meals</u></a>
3553	<a href="#"><u>Free And Reduced Price Meals</u></a>
3555	<a href="#"><u>Nutrition Program Compliance</u></a>
3555-E(1)	<a href="#"><u>Nutrition Program Compliance</u></a>
3600	<a href="#"><u>Consultants</u></a>
4030	<a href="#"><u>Nondiscrimination In Employment</u></a>
4030	<a href="#"><u>Nondiscrimination In Employment</u></a>
4032	<a href="#"><u>Reasonable Accommodation</u></a>
4033	<a href="#"><u>Lactation Accommodation</u></a>
4040	<a href="#"><u>Employee Use Of Technology</u></a>
4040-E(1)	<a href="#"><u>Employee Use Of Technology</u></a>
4111	<a href="#"><u>Recruitment And Selection</u></a>
4111.2	<a href="#"><u>Legal Status Requirement</u></a>
4111.2	<a href="#"><u>Legal Status Requirement</u></a>
4119.11	<a href="#"><u>Sexual Harassment</u></a>
4119.11	<a href="#"><u>Sexual Harassment</u></a>
4119.21	<a href="#"><u>Professional Standards</u></a>
4119.21-E(1)	<a href="#"><u>Professional Standards</u></a>
4119.22	<a href="#"><u>Dress And Grooming</u></a>
4131	<a href="#"><u>Staff Development</u></a>
4144	<a href="#"><u>Complaints</u></a>
4144	<a href="#"><u>Complaints</u></a>
4161.8	<a href="#"><u>Family Care And Medical Leave</u></a>
4211	<a href="#"><u>Recruitment And Selection</u></a>
4211.2	<a href="#"><u>Legal Status Requirement</u></a>
4211.2	<a href="#"><u>Legal Status Requirement</u></a>
4212.9	<a href="#"><u>Employee Notifications</u></a>
4212.9-E(1)	<a href="#"><u>Employee Notifications</u></a>

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4219.11	<a href="#"><u>Sexual Harassment</u></a>
4219.11	<a href="#"><u>Sexual Harassment</u></a>
4219.21	<a href="#"><u>Professional Standards</u></a>
4219.21-E(1)	<a href="#"><u>Professional Standards</u></a>
4219.22	<a href="#"><u>Dress And Grooming</u></a>
4244	<a href="#"><u>Complaints</u></a>
4244	<a href="#"><u>Complaints</u></a>
4261.8	<a href="#"><u>Family Care And Medical Leave</u></a>
4311	<a href="#"><u>Recruitment And Selection</u></a>
4311.2	<a href="#"><u>Legal Status Requirement</u></a>
4311.2	<a href="#"><u>Legal Status Requirement</u></a>
4312.9	<a href="#"><u>Employee Notifications</u></a>
4312.9-E(1)	<a href="#"><u>Employee Notifications</u></a>
4319.11	<a href="#"><u>Sexual Harassment</u></a>
4319.11	<a href="#"><u>Sexual Harassment</u></a>
4319.21	<a href="#"><u>Professional Standards</u></a>
4319.21-E(1)	<a href="#"><u>Professional Standards</u></a>
4319.22	<a href="#"><u>Dress And Grooming</u></a>
4331	<a href="#"><u>Staff Development</u></a>
4344	<a href="#"><u>Complaints</u></a>
4344	<a href="#"><u>Complaints</u></a>
4361.8	<a href="#"><u>Family Care And Medical Leave</u></a>
5113.1	<a href="#"><u>Chronic Absence And Truancy</u></a>
5113.1	<a href="#"><u>Chronic Absence And Truancy</u></a>
5116.2	<a href="#"><u>Involuntary Student Transfers</u></a>
5126	<a href="#"><u>Awards For Achievement</u></a>
5126	<a href="#"><u>Awards For Achievement</u></a>
5131.2	<a href="#"><u>Bullying</u></a>
5131.2	<a href="#"><u>Bullying</u></a>
5141.22	<a href="#"><u>Infectious Diseases</u></a>
5141.22	<a href="#"><u>Infectious Diseases</u></a>
5141.6	<a href="#"><u>School Health Services</u></a>
5141.6	<a href="#"><u>School Health Services</u></a>
5145.12	<a href="#"><u>Search And Seizure</u></a>
5145.12	<a href="#"><u>Search And Seizure</u></a>
5145.13	<a href="#"><u>Response To Immigration Enforcement</u></a>
5145.13	<a href="#"><u>Response To Immigration Enforcement</u></a>
5145.3	<a href="#"><u>Nondiscrimination/ Harassment</u></a>
5145.3	<a href="#"><u>Nondiscrimination/ Harassment</u></a>
5145.6	<a href="#"><u>Parent/ Guardian Notifications</u></a>
5145.6-E(1)	<a href="#"><u>Parent/ Guardian Notifications</u></a>
5145.7	<a href="#"><u>Sexual Harassment</u></a>
5145.7	<a href="#"><u>Sexual Harassment</u></a>
5145.71	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>



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5145.71-E(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.9	<a href="#"><u>Hate-Motivated Behavior</u></a>
5146	<a href="#"><u>Married/Pregnant/Parenting Students</u></a>
5148	<a href="#"><u>Child Care And Development</u></a>
5148	<a href="#"><u>Child Care And Development</u></a>
5148.2	<a href="#"><u>Before/After School Programs</u></a>
5148.2	<a href="#"><u>Before/After School Programs</u></a>
6000	<a href="#"><u>Concepts And Roles</u></a>
6020	<a href="#"><u>Parent Involvement</u></a>
6020	<a href="#"><u>Parent Involvement</u></a>
6141	<a href="#"><u>Curriculum Development And Evaluation</u></a>
6141	<a href="#"><u>Curriculum Development And Evaluation</u></a>
6141.2	<a href="#"><u>Recognition Of Religious Beliefs And Customs</u></a>
6141.2	<a href="#"><u>Recognition Of Religious Beliefs And Customs</u></a>
6141.4	<a href="#"><u>International Baccalaureate Program</u></a>
6141.5	<a href="#"><u>Advanced Placement</u></a>
6142.1	<a href="#"><u>Sexual Health And HIV/AIDS Prevention Instruction</u></a>
6142.1	<a href="#"><u>Sexual Health And HIV/AIDS Prevention Instruction</u></a>
6142.3	<a href="#"><u>Civic Education</u></a>
6142.5	<a href="#"><u>Environmental Education</u></a>
6142.7	<a href="#"><u>Physical Education And Activity</u></a>
6142.7	<a href="#"><u>Physical Education And Activity</u></a>
6143	<a href="#"><u>Courses Of Study</u></a>
6143	<a href="#"><u>Courses Of Study</u></a>
6144	<a href="#"><u>Controversial Issues</u></a>
6145	<a href="#"><u>Extracurricular And Cocurricular Activities</u></a>
6145	<a href="#"><u>Extracurricular And Cocurricular Activities</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6152.1	<a href="#"><u>Placement In Mathematics Courses</u></a>
6152.1	<a href="#"><u>Placement In Mathematics Courses</u></a>
6158	<a href="#"><u>Independent Study</u></a>
6158	<a href="#"><u>Independent Study</u></a>
6161.1	<a href="#"><u>Selection And Evaluation Of Instructional Materials</u></a>
6161.1	<a href="#"><u>Selection And Evaluation Of Instructional Materials</u></a>
6161.1-E(1)	<a href="#"><u>Selection And Evaluation Of Instructional Materials</u></a>
6161.11	<a href="#"><u>Supplementary Instructional Materials</u></a>
6162.5	<a href="#"><u>Student Assessment</u></a>
6163.1	<a href="#"><u>Library Media Centers</u></a>
6163.2	<a href="#"><u>Animals At School</u></a>
6163.2	<a href="#"><u>Animals At School</u></a>
6164.2	<a href="#"><u>Guidance/Counseling Services</u></a>
6164.4	<a href="#"><u>Identification And Evaluation Of Individuals For Special Education</u></a>

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6164.4	<a href="#"><u>Identification And Evaluation Of Individuals For Special Education</u></a>
6164.6	<a href="#"><u>Identification And Education Under Section 504</u></a>
6164.6	<a href="#"><u>Identification And Education Under Section 504</u></a>
6172	<a href="#"><u>Gifted And Talented Student Program</u></a>
6172	<a href="#"><u>Gifted And Talented Student Program</u></a>
6173	<a href="#"><u>Education For Homeless Children</u></a>
6173	<a href="#"><u>Education For Homeless Children</u></a>
6173-E(1)	<a href="#"><u>Education For Homeless Children</u></a>
6173-E(2)	<a href="#"><u>Education For Homeless Children</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.4	<a href="#"><u>Education For American Indian Students</u></a>
6175	<a href="#"><u>Migrant Education Program</u></a>
6175	<a href="#"><u>Migrant Education Program</u></a>
6178	<a href="#"><u>Career Technical Education</u></a>
6178	<a href="#"><u>Career Technical Education</u></a>
6181	<a href="#"><u>Alternative Schools/Programs Of Choice</u></a>
6181	<a href="#"><u>Alternative Schools/Programs Of Choice</u></a>
6184	<a href="#"><u>Continuation Education</u></a>
6184	<a href="#"><u>Continuation Education</u></a>
6200	<a href="#"><u>Adult Education</u></a>
6200	<a href="#"><u>Adult Education</u></a>
7110	<a href="#"><u>Facilities Master Plan</u></a>
7111	<a href="#"><u>Evaluating Existing Buildings</u></a>
7310	<a href="#"><u>Naming Of Facility</u></a>
9150	<a href="#"><u>Student Board Members</u></a>
9220	<a href="#"><u>Governing Board Elections</u></a>
9320	<a href="#"><u>Meetings And Notices</u></a>
9322	<a href="#"><u>Agenda/ Meeting Materials</u></a>

#### Policy

**Adopted:** August 22, 1995

**Revised:** 2/98, 11/00, 4/14; 2/17; 6/18; 3/24

#### PASADENA UNIFIED SCHOOL DISTRICT

Pasadena, California