Nondiscrimination in District Programs & Activities

Adopted: 01/12/2016 **| Last Revised**: 06/05/2026 **| Last Reviewed**: 06/05/2026

The Board of Education 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.

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 or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, religious creed, genetic information, pregnancy, false pregnancy, childbirth, termination of pregnancy/related conditions or recovery, parental, marital, and family status, reproductive health decision making, breastfeeding or related medical conditions, disability, medical condition, sex, sexual orientation, sex stereotypes, gender, gender identity, gender expression, 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 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.

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

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

Derogatory Native American terms, including Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Redskins, Savages, Squaw, 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 and/or staff regularly monitor 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 as appropriate.

All complaints alleging unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures, for students, and Board Rule 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 the annual parental notification distributed pursuant to Board Policy 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 rooms, and other prominent locations as appropriate.

The Superintendent or designee shall notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs.

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.

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's web and mobile applications comply with technical standards prescribed by law, and as necessary, shall provide~~s~~ appropriate auxiliary aids and services to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of ~~a~~ district services, 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, notetakers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Superintendent, designee, 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.

The individual identified in Rule 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.

Compliance Coordinator, Positive School Climate
1305 E Vine Street, Lodi CA 95240
(209) 331-7976 or (209) 331-2245
compliance@lodiusd.net

Policy Reference Disclaimer:
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.

Legal References:

STATE
CODE OF REGULATIONS
5 CCR 4600-4670 Uniform complaint procedures
5 CCR 4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
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
11000 Definitions
11135 Prohibition of discrimination
12900-12996 Fair Employment and Housing Act
54953 Meetings; Americans with Disabilities Act accessibility
54953.2 Brown Act compliance with Americans with Disabilities Act
8310.3 California Religious Freedom Act
PENAL CODE
422.55 Definition of hate crime
422.6 Crimes; harassment

FEDERAL
UNITED STATES CODE
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
29 USC 794 Rehabilitation Act of 1973; Section 504
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

CODE OF FEDERAL REGULATIONS
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
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

MANAGEMENT RESOURCES

CA CIVIL RIGHTS DEPARTMENT PUBLICATION
California Law Prohibits Workplace Discrimination and Harassment, January 2024
CA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS
Policy and Procedures Letter No. 21-017R, December 2021
Policy and Procedures Letter No. 23-004, February 2023
CA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS
Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
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
CSBA PUBLICATIONS
Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024
Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024
Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024
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
FEDERAL REGISTER
Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896
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 & U.S. DOJ CIVIL RIGHTS DIVISIONS PUBLICATION
Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023
U.S. DOE, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
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
Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 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
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
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
WEBSITES
CSBA District and County Office of Education Legal Services https://legalservices.csba.org/
California Office of the Attorney General http://oag.ca.gov/
World Wide Web Consortium, Web Accessibility Initiative https://www.w3.org/TR/2018/REC-WCAG21-20180605/

Pacific ADA Center http://www.adapacific.org/
U.S. Department of Justice, Civil Rights Division, Disability Rights Section http://www.ada.gov/
California Safe Schools Coalition http://www.casafeschools.org/
CSBA http://www.csba.org/
California Department of Education http://www.cde.ca.gov/
California Civil Rights Department https://calcivilrights.ca.gov/
Equal Employment Opportunity Commission http://www.eeoc.gov/
U.S. Department of Education, Office for Civil Rights http://www.eeoc.gov/
California Department of Health Care Services http://www.dhcs.ca.gov/
Web Content Accessibility Guidelines, December 2008 https://www.w3.org/TR/WCAG21/

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