

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

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

The Governing Board is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on gender, sex, race, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characteristics. The Board shall promote programs which ensure that discriminatory practices are eliminated in all district activities.

- (cf. 4030 Nondiscrimination in Employment)
- (cf. 4032 Reasonable Accommodation)
- (cf. 4119.11/4219.11/4319.11 Sexual Harassment)
- (cf. 5145.3 Nondiscrimination/Harassment)
- (cf. 5145.7 Sexual Harassment)
- (cf. 5146 Married/Pregnant/Parenting Students)
- (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)
- (cf. 6178 Vocational Education)
- (cf. 6200 Adult Education)

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act.

The Superintendent or designee shall ensure that the district provides auxiliary aids and services where 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, notetakers, written materials, taped text, and Braille or large print materials.

- (cf. 5124 Communication with Parents/Guardians)

Individuals with disabilities shall notify the Superintendent 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.

- (cf. 9320 Meetings and Notices)
- (cf. 9322 Agenda/Meeting Materials)

The Superintendent or designee shall notify students, parents/guardians, employees, employee organizations and applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination. Such notification shall be included in each announcement, bulletin, catalog, application form or other recruitment materials distributed to these groups. (34 CFR 104.8, 106.9) The Superintendent or designee shall also provide information about related complaint procedures.

- (cf. 1312.3 Uniform Complaint Procedures)

(cf. 4031 Complaints Concerning Discrimination in Employment)

In compliance with law, the district's nondiscrimination policy shall be published in the individual's primary language to the extent practicable.

(cf. 5145.6 Parental Notifications)

**Legal Reference:**

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

48985 *Notices to parents in language other than English*

GOVERNMENT CODE

11000 *Definitions*

11138 *Rules and regulations*

12900-12996 *Fair Employment and Housing Act*

54953.2 *Brown Act compliance with Americans with Disabilities Act*

PENAL CODE

422.6 *Interference with constitutional right or privilege*

CODE OF REGULATIONS, TITLE 5

4900-4965 *Nondiscrimination in elementary and secondary education programs receiving state financial assistance*

UNITED STATES CODE, TITLE 20

1400-1487 *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:*  
106.9             *Dissemination of policy*

MANAGEMENT RESOURCES

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

- Protecting Students from Harassment and Hate Crime, January, 1999*  
*Notice of Non-Discrimination, January, 1999*  
*Nondiscrimination in Employment Practices in Education, August, 1991*

WEB SITES

- U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>*  
*CDE: <http://www.cde.ca.gov>*  
*CSBA: <http://www.csba.org>*  
*Pacific Disability and Business Technical Assistance Center: <http://www.pacdbtac.org>*

Policy adopted: **November 18, 2003**     **FRUITVALE SCHOOL DISTRICT**, Bakersfield, CA

*(Reviewed September, 2011)*