

0410 BP: Nondiscrimination in County Office Programs and Activities

Status: ADOPTED

Original Adopted Date: 06/13/2013 | Last Revised Date: 11/13/2025

The County Board and County Superintendent are committed to equal opportunity for all individuals in education. The County Board commits to protecting and preserving the rights of all parents/guardians and their students during the course of their student's education in County Office schools and programs. These rights, which include the fundamental right of parents to direct the "care, custody and control of their children," are recognized in the United States Constitution, the California Constitution, and in federal and state laws and regulations. Any action taken by the County Board involving these rights will be done in accordance with the law and current legal precedent.

The County Board recognizes that parental rights can conflict with student privacy rights and with laws prohibiting discrimination. As a result, educators may be placed in situations that are difficult to resolve, especially if the law is unclear, and undefined, and the subject of judicial review. We acknowledge the limitations of current legislation, including concerns related to age appropriateness and the capacity of a minor student's ability to make fully informed life-changing decisions. As an educational institution, the County Office is dedicated to addressing these challenges and ensuring that our policies, while remaining within the confines of state and federal law, are responsive to the evolving needs of our students and their parents/guardians.

The County Board believes that effective communication serves as the cornerstone for building and sustaining trust with students, their families and our school community. Effective and timely communication and collaboration with students and their parents/guardians is an important component of exercising our commitment to supporting parents and their interest in their child's wellbeing and academic success.

The County Board values the input and perspectives of our students, families, staff, and community members. As stewards of learning, we understand the unique aspects of county office of education programs and the diverse needs of its student body. We will be closely monitoring what we anticipate will be further developments regarding the constitutional rights of parents and students in the school setting. We are committed to engaging in an ongoing dialogue to address any issues or concerns resulting from those developments and to advocate on behalf of our parents/guardians, students and our community. Through collaborative efforts with the County Superintendent, the County Board will continue to strive to maintain an educational environment that not only complies with current legal standards, but also upholds the principles of collaboration, fairness, dignity, and respect for all members of our learning community.

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 of Schools in enacting policies and procedures that govern the COE. (Education Code 234.1)

The County Board of Education is committed to providing equal opportunity for all individuals in county office of education (COE) programs and activities. COE programs, activities, and practices shall be free from unlawful discrimination against an individual or group based on one, or a combination or two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; 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; 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. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2)

All individuals shall be treated equitably in the receipt of services in COE programs and activities. Personally identifiable information collected in the implementation of any COE 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 that program, except when the County Board or, when applicable, the County Superintendent authorizes its use for another purpose in accordance with law. Resources and data collected by the COE 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.

COE 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 COE 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) See also Board Policy 6161.1, Selection and Evaluation of Instructional Materials.

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 County Board if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

COE 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.

Periodically, COE facilities, programs, and activities shall be reviewed 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 COE programs and activities, including the use of facilities. Prompt and reasonable actions shall be taken to remove any identified barrier.

All complaints alleging unlawful discrimination in COE programs and activities shall be investigated and resolved in accordance with law, County Board policy on uniform complaint procedures, and related County Superintendent-approved procedures. Complaints alleging sex discrimination, including sexual harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45.

Pursuant to 34 CFR 104.8 and 106.8, students, parents/guardians, applicants for admission, and the public shall be notified about the County Board'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 COE. The notification shall also be posted on the COE's website and social media and in COE program sites and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

Additionally, 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, and their rights related to immigration enforcement. Alternatively, such information may be provided through any other cost-effective means determined by the County Superintendent or designee. (Education Code 234.7)

The County Board's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. Additionally, 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)

Access for Individuals with Disabilities

COE 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 COE facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, a transition plan shall be developed that sets forth the steps for completing the changes.

The COE's web and mobile applications shall comply with technical standards prescribed by law, and as necessary, shall provide appropriate auxiliary aids and services to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of COE 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 COE websites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the ADA Coordinator 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 County Superintendent has designated the following ADA Coordinator to receive requests for accommodation and to receive and investigate complaints regarding access to COE facilities, programs, services and activities: (28 CFR 35.107)

Gib Benthin

Coordinator, Operations and Transportation

Placer County Office of Education

365 Nevada Street

Auburn, CA 95603

(916) 415-4442 (Phone)

(866) 257-6329 (Fax)

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.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 200-262.1	<u>Educational equity; prohibition of discrimination on the basis of sex</u>
Ed. Code 33315	Uniform complaint procedures
Ed. Code 48980	<u>Parent/Guardian notifications</u>
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51007	Legislative intent; state policy
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups

Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11000	Definitions
Gov. Code 11135	<u>Unlawful discrimination</u>
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 54953	Meetings; Americans with Disabilities Act accessibility
Gov. Code 54953.2	Brown Act compliance with Americans with Disabilities Act
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment
Federal	Description
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
28 CFR 35.101-35.190	Americans with Disabilities Act
28 CFR 35.107	Designation of responsible employee and adoption of grievance procedures
28 CFR 35.136	Service animals
28 CFR 35.150-35.151	Program accessibility; facilities
28 CFR 35.160	Effective communications
28 CFR 36.303	Nondiscrimination on the basis of disability; public accommodations; auxiliary aids and services
29 USC 621	Age discrimination in employment
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
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964

Management Resources	Description
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment
CA Department of Health Care Services Publication	Policy and Procedures Letter No. 21-017R, December 2021
CA Department of Health Care Services Publication	Policy and Procedures Letter No. 23-004, February 2023
CA 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, December 2024
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Students for Fair Admissions v. Harvard (2024) 600 U.S. 181
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579
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, Office for Civil Rights Publication	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
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Electronic Book Readers, June 29, 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
US Dept of Justice, Civil Rights Div. Publication	Accessibility of State and Local Government Websites to People with Disabilities, February 2020
US Dept of Justice, Civil Rights Div. Publication	Guidance on Web Accessibility and the ADA, March 2022

US Dept of Justice, Civil Rights Div. Publication	2010 ADA Standards for Accessible Design, September 2010
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	California Civil Rights Department
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Equal Employment Opportunity Commission
Website	U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act
Website	U.S. Department of Education, Office for Civil Rights
Website	Pacific ADA Center
Website	CSBA
Website	California Safe Schools Coalition
Website	California Office of the Attorney General
Website	California Department of Health Care Services
Website	California Department of Education
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, September 2023

Cross References

Code	Description
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance

4040	<u>Acceptable Use Of Technology</u>
4040-E(1)	<u>Acceptable Use Of Technology</u>
4161.8	<u>Family Care And Medical Leave</u>
4261.8	<u>Family Care And Medical Leave</u>
4361.8	<u>Family Care And Medical Leave</u>
5131.2	<u>Bullying</u>
5131.2	<u>Bullying</u>
5145.13	<u>Response To Immigration Enforcement</u>
5145.13	<u>Response To Immigration Enforcement</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.7	<u>Sexual Harassment</u>
5145.7-E(1)	<u>Sexual Harassment</u>
5145.71-E(1)	<u>Title IX Sexual Harassment Complaint Procedures</u>
5145.71-E(2)	<u>Title IX Sexual Harassment Complaint Procedures</u>
6162.5	<u>Student Assessment</u>
6173	<u>Education For Homeless Children</u>
6173	<u>Education For Homeless Children</u>
6173-E(1)	<u>Education For Homeless Children</u>
6173-E(2)	<u>Education For Homeless Children</u>
6173.1	<u>Education For Foster Youth</u>
6173.1	<u>Education For Foster Youth</u>
9150	<u>Student Board Members</u>
9320	<u>Meetings And Notices</u>
9322	<u>Agenda/Meeting Materials</u>

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Revised:	June 26, 2014
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