

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES**

The Board of Education is committed to providing equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, genetic information, or immigration status; the 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.

- (cf. 4030 - Nondiscrimination in Employment)*
- (cf. 4032 - Reasonable Accommodation)*
- (cf. 4033 - Lactation Accommodation)*
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*
- (cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*
- (cf. 5131.2 - Bullying)*
- (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 - Career Technical Education)*
- (cf. 6200 - Adult Education)*

Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

- (cf. 1330 - Use of Facilities)*

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, 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 each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups.

- (cf. 1312.3 - Uniform Complaint Procedures)*
- (cf. 4112.9/4212.9/4312.9 - Employee Notifications)*
- (cf. 5145.6 - Parental Notifications)*

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.

## **NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)**

### **Access for Individuals with Disabilities**

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

*(cf. 6163.2 - Animals At School)*  
*(cf. 7110 - Facilities Master Plan)*  
*(cf. 7111 - Evaluating Existing Buildings)*

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, notetakers, written materials, taped text, and Braille or large print materials.

*(cf. 6020 - Parent Involvement)*

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)*

#### *Legal Reference:*

##### EDUCATION CODE

200-262.4 Prohibition of discrimination  
48985 Notices to parents in language other than English  
51007 Legislative intent: state policy

##### GOVERNMENT CODE

11000 Definitions  
11135 Nondiscrimination in programs or activities funded by state  
11138 Rules and regulations  
12900-12996 Fair Employment and Housing Act  
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

4600-4687 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

*Legal Reference continued: (see next page)*

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)**

*Legal Reference: (continued)*

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:*

CSBA PUBLICATIONS  
*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014*  
*Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013*  
*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*  
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
*Notice of Non-Discrimination, January 1999*  
*Protecting Students from Harassment and Hate Crime, January 1999*  
*Nondiscrimination in Employment Practices in Education, August 1991*  
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS  
*2010 ADA Standards for Accessible Design, September 2010*  
WEB SITES  
CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
Safe Schools Coalition: <http://www.casafeschools.org>  
Pacific ADA Center: <http://www.adapacific.org>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>  
U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>

Policy  
adopted: December 13, 2016  
Revised: July 25, 2018

**SAN DIEGO UNIFIED SCHOOL DISTRICT**  
San Diego, California