

TULARE COUNTY OFFICE OF EDUCATION

Board Policy

Philosophy-Goals-Objectives and Comprehensive Plans

BP 0410

Nondiscrimination in County Office Programs and Activities

Nondiscrimination in County Office Programs and Activities

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the County Board of Education and the County Superintendent of Schools in enacting policies and procedures that govern the Tulare County Office of Education (TCOE).

The County Board is committed to providing equal opportunity for all individuals in TCOE programs and activities. TCOE 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 decisionmaking, 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 services in TCOE programs and activities. Personally identifiable information collected in the implementation of any TCOE 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 of Schools authorizes its use for another purpose in accordance with law. Resources and data collected by TCOE 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.

TCOE 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 TCOE 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)

TCOE programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames. (Education Code 221.2-221.3)

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

All allegations of unlawful discrimination in TCOE programs and activities shall be brought, investigated, and resolved in accordance with law, County Board policy on uniform complaint procedures, and related County Superintendent-approved procedures. (5 CCR 4600-4670)

Pursuant to 34 CFR 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 TCOE. The notification shall also be posted on TCOE’s web site and social media and in TCOE program sites 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. 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. 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)

Access for Individuals with Disabilities

TCOE 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. (28 CFR 35.150)

The County Superintendent has designated the following ADA Coordinator to receive requests for accommodation and to receive and investigate complaints regarding access to TCOE facilities, programs, services and activities: (28 CFR 35.107)

<p>Assistant Superintendent, Student Support Services (title or position)</p> <p>7000 W. Doe Ave., Visalia, CA 93291 (physical address)</p> <p>P.O. Box 5091, Visalia CA 93278-5091 (mailing address)</p> <p>(559) 651-3022 (telephone number)</p>	<p>Assistant Superintendent, Human Resources (title or position)</p> <p>6200 S. Mooney Blvd., Visalia CA 93277 (physical address)</p> <p>P.O. Box 5091, Visalia CA 93278-5091 (mailing address)</p> <p>(559) 733-6306 (telephone number)</p>
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TCOE shall ensure that it 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. (28 CFR 35.130, 35.160, 36.303)

TCOE shall develop and update transition plans when necessary to address structural changes that are needed to provide accessibility to TCOE facilities, activities, services, and programs. (28 CFR 35.150)

TCOE shall develop a complaint procedure consistent with the Americans with Disabilities Act and with Section 504 of the Rehabilitation Act.

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 TCOE and school-sponsored functions, programs, or meetings.

Legal Reference:

EDUCATION CODE

200-262.4 – Education equity; Prohibition of discrimination on the basis of sex

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

8310.3 – California Religious Freedom Act

11000 – Definitions

11135 – Unlawful 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

PENAL CODE

422.55 – Definition of hate crime

422.6 – Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4670 – 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

1681-1688 – Title IX of the Education Amendments of 1972; discrimination based on sex

2301-2415 – Strengthening Career and Technical Education for the 21st Century 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-2-2000h-6 – Title IX of the Civil Rights Act of 1964

12101-12213 – Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 – Americans with Disabilities Act, especially:

35.107 – Designation of responsible employee and adoption of grievance procedures

35.136 – Service animals

35.150-35.151 – Program accessibility; facilities

35.160 – Effective communications

36.303 – Nondiscrimination on the basis of disability; public accommodations; 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

106.1-106.82– Discrimination on the basis of sex, effectuating Title IX

Management Resources:

CSBA PUBLICATIONS

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

CA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATION

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

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

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment

U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION PUBLICATIONS

Accessibility of State and Local Government Websites to People with Disabilities, February 2020

Guidance on Web Accessibility and the ADA, March 2022

2010 ADA Standards for Accessible Design, September 2010

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

Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague

Letter, May 26, 2011

Supporting Transgender Youth in School, June 2021

Dear Colleague Letter: Race and School Programming, August 2023

Dear Colleague Letter: Electronic Book Readers, June 29, 2010

U.S. DEPARTMENT OF JUSTICE & DEPARTMENT OF EDUCATION CIVIL RIGHTS JOINT

PUBLICATIONS

Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023

WEBSITES

California Civil Rights Department (CRD): <https://calcivilrights.ca.gov/>

CSBA: <http://www.csba.org>

California Department of Education: <http://cde.ca.gov>

California Office of the Attorney General: <http://oag.ca.gov>

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>

California Safe Schools Coalition: <http://www.casafeschools.org>

Policy Adopted: 1/17/90

Tulare County Board of Education
Visalia, CA

Revised: 1/16/91, 9/09/09, 12/03/14, 6/10/2015, 10/13/2021, 8/14/2024