

# LODI UNIFIED SCHOOL DISTRICT

Policy 0410

## REVISION

### Philosophy, Goals, Objectives and Comprehensive Plans

#### Nondiscrimination In District Programs and Activities

The ~~Governing~~ Board of Education is committed to providing equal opportunity for all individuals in education **district programs and activities**. District 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, age, religion, marital **status**, **pregnancy**, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, ~~or~~ **gender** expression, or genetic information; ~~a~~ 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.

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 race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

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

Annually, the Superintendent or designee shall review 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, including the use of facilities. ~~He/she~~ **The Superintendent** shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report ~~his/her~~ **their** findings and recommendations to the Board after each review.

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in Board Rule 1312.3 – Uniform Complaint Procedures.

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 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 district. The notification shall also be posted on the district's web site and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate. ~~each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups.~~

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. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee.

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 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, **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 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 Board Rule 1312.3 – Uniform Complaint Procedures as the employee(s) responsible for coordinating the district’s response to complaints and for complying with state federal civil rights laws are hereby designated as the district’s ADA coordinators. The coordinators 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.

**Aisha Brice, Coordinator, Positive School Climate**

**Lodi Unified School District**

1305 E. Vine Street, Lodi California 95240

(209)-331-7976 (209)-331-2245

[abrice@lodiUSD.net](mailto:abrice@lodiUSD.net)

California State Preschool Program (CSPP) Complaints:

**Susan Petersen, Director of Educational Services, Area 1**

**Lodi Unified School District**

1305 E. Vine Street, Lodi California 95240

(209)-331-7995 (209)-331-7257

[spetersen@lodiUSD.net](mailto:spetersen@lodiUSD.net)

Legal Reference:

**CALIFORNIA CODE OF REGULATIONS**

5 CCR 4600-4670 Uniform complaint procedures

5 CCR 4900-4965 Nondiscrimination in elementary and secondary Education programs receiving state or federal financial assistance

**EDUCATION CODE**

200-262.4 Prohibition of discrimination

**48980 Parents/Guardian notifications**

**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

**8310.3 California Religious Freedom Act**

PENAL CODE

422.55 Definition of hate crime

422.6 **Crimes; harassment** ~~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~~

**FEDERAL REFERENCES**

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Title IX **of the Education Amendments of 1972;**

~~Discrimination based on sex or blindness,~~

~~2301-2415 Carl D. Perkins Vocational and Applied Technology Act~~  
**Strengthening Career and Technical Education for the 21<sup>st</sup> 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-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 **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

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 ~~Dissemination of policy~~ **Severability**

MANAGEMENT RESOURCES:

~~CSBA PUBLICATIONS~~

~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender Nonconforming Students, Policy Brief, February 2014~~

**Interim Updated Legal Guidance: Protecting** ~~Regarding~~ **Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017,** ~~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

**Dear Colleague Letter, May 26, 2011**

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

**Dear Colleague Letter: Harassment and Bullying, October 2010**

**Dear Colleague Letter: Title IX Coordinators, April 2015**

**Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016**

**Nondiscrimination in Employment Practices in Education, August, 1991**

**Notice of Non-Discrimination, Fact Sheet, August 2010**

~~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>

California 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> — (7/03 3/12) 2/14~~

Policy

adopted: 01/12/16