

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION

Philosophy, Goals, Objectives and Comprehensive Plans
NON-DISCRIMINATION IN COUNTY SUPERINTENDENT AND COUNTY BOARD
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 Superintendent and the County Board in enacting policies and procedures that govern County Superintendent and County Board schools and programs.

The County Superintendent and County Board are committed to providing equal opportunity for all individuals in education. County Superintendent and County Board 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; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; reproductive health decision-making; physical or mental disability; medical condition; sex; sex stereotypes; sex characteristics; 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 County Superintendent and County Board programs and activities. Personally identifiable information collected in the implementation of any County Superintendent and County Board 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 Superintendent or County Board authorizes its use for another purpose in accordance with law. Resources and data collected 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.

County Superintendent and County Board 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 Superintendent or County Board 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)

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

Periodically, County Superintendent and County Board programs and activities shall be reviewed to ensure the removal of any barrier that may unlawfully prevent an individual or group

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in any of the protected categories stated above from accessing such programs and activities, including the use of facilities. Prompt and reasonable actions shall be taken to remove any identified barrier.

Except for allegations of sex discrimination or sex-based harassment, allegations of unlawful discrimination in County Superintendent and/or County Board programs and activities shall be investigated and resolved in accordance with Superintendent and Board Policy 1312.3 and Superintendent Administrative Regulation 1312.3 - Uniform Complaint Procedures, for students, and Superintendent Policy SP HR-4030 – Prohibition of Employee Discrimination, Harassment and Retaliation. Complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 and as specified in Superintendent Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for students, and Superintendent Policies SP HR-4319.11 – Sexual Harassment and SP HR-4319.12 - Title IX Sexual Harassment Complaint Procedures, for employees.

Pursuant to 34 CFR 104.8 and 34 CFR 106.8, the County Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the County Superintendent and 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. The notification shall also be posted on the County Superintendent/County Board website and social media and in County Superintendent/County Board schools 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. 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 Superintendent's and 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.

Access for Individuals with Disabilities

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

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The County Superintendent or designee shall ensure that the County Superintendent and County Board websites 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 a County Superintendent or County Board 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 County Superintendent and County Board websites, note-takers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the County Superintendent or designee if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a County Superintendent or County Board-sponsored function, program, or meeting.

The County Superintendent and County Board have designated the following ADA Coordinator to receive requests for accommodation and to receive and investigate complaints regarding access to County Superintendent and County Board facilities, programs, services and activities:

Deputy Superintendent, Instructional Division
Fresno County Office of Education
1111 Van Ness Avenue
Fresno, California 93721-2000
(559) 265-3090

Adopted: 06/21/2012

Amended: 11/17/2016, 09/15/2022, 12/12/2023, 08/15/2024

Legal Reference

Education Code

200-262.4 Educational equity; prohibition of discrimination
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

11000 Definitions
11135 Prohibition of 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
8310.3 California Religious Freedom Act

Penal Code

422.55 Definition of hate crime
422.6 Crimes, harassment

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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

2301-2414 Strengthening Career and Technical Education for the 21st Century Act

6311 State plans

6312 Local education agency plans

United States Code, Title 28

35.101-35.190 Americans with Disabilities Act

36.303 Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services

United States Code, Title 29

794 Section 504 of the Rehabilitation Act of 1973

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

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

12101-12213 Americans with Disabilities Act

Management Resources

CSBA Publications

Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024

Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024

Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024

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

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896

U.S. Department of Education, Office for Civil Rights Publications

Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023

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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

Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023

Supporting Transgender Youth in School, June 2021

Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011

Nondiscrimination in Employment Practices in Education, August 1991

Dear Colleague Letter: Race and School Programming, August 2023

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

Dear Colleague Letter: Harassment and Bullying, October 2010

U.S. Department of Justice Publications

Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments, April 2024

Guidance on Web Accessibility and the ADA, March 2022

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

2010 ADA Standards for Accessible Design, September 2010

2010 ADA Standards for Accessible Design, September 2010

Websites

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>