

PHILOSOPHY-GOALS-OBJECTIVES AND COMPREHENSIVE PLANS**Nondiscrimination in Programs and Activities****Background**

The El Dorado County Superintendent is committed to equal opportunity for all individuals in education. El Dorado County Office of Education (EDCOE) programs and activities shall be free from discrimination based on race, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a perception of one or more of such characteristics; or association with one or more of these actual or perceived characteristics. The Board and Superintendent shall operate programs which ensure that discriminatory practices do not exist in any County Office of Education activities.

Annual Program Review

Annually, the Superintendent or designee shall review EDCOE 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 programs and activities. The Superintendent shall take prompt, reasonable actions to remove any identified barrier.

Notice

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 EDCOE's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, handbook, application form, or other materials distributed to these groups and, as applicable, to the public. Such notification shall be posted in program schools and offices, including staff lounges and other prominent locations, as appropriate, and shall be posted on EDCOE's web site and, when available, EDCOE supported social media.

EDCOE'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 program's students speak a single primary language other than English, those materials shall be translated into that other language.

Complaint Filing, Investigation, and Resolution

All allegations of unlawful discrimination in the EDCOE programs and activities shall be investigated and resolved in accordance with the procedures specified in SP 1312.3 - Uniform Complaint Procedures.

The Superintendent or his/her designee, as specified below, is responsible for coordinating EDCOE's response to complaints and for complying with state and federal civil rights laws. Superintendent or his/her designee shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding access to programs, services, activities, or facilities.

If a complaint is substantiated, EDCOE will take steps to end the discrimination, prevent recurrence, and remedy discriminatory effects on the complainant and others, if appropriate. EDCOE prohibits any form of retaliation, intimidation, or harassment against any individual who filed or otherwise

participated in the filing or investigation of a complaint of discrimination. Any individual who believes he/she/they have been subject to retaliation may file a separate complaint under SP 1312.3 Uniform Complaint Procedures.

Participation in any informal resolution process shall be voluntary. Any mediation undertaken to resolve any complaints shall be supervised. Any informal resolution process may be terminated at any time.

The following compliance officer designees are responsible for receiving and investigating complaints and ensuring compliance with state and federal laws and regulations.

Special Education	Executive Director, Special Services
Child Development and Nutrition Programs and Services	Executive Director, Child Development
Charter Programs and Extended Day	Executive Director, Charter Alternative
Employment/Personnel/Title IX	Executive Director, Personnel Services
All Other Programs	Deputy/Associate Superintendent

Address: 6767 Green Valley Road, Placerville, CA 95667
Phone Number: 530-622-7130

Any EDCOE employee who observes any incident of discrimination involving a student or receives a complaint or other notice of such discrimination, shall report the matter to the compliance officers designated above and in SP 1312.3 – Uniform Complaint Procedures, within 3 business days, regardless whether or not the targeted individual files a complaint.

Americans with Disabilities Act

EDCOE's programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and regulations. When structural changes to existing 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. In addition, new construction and alterations to facilities existing before January 26, 1992, shall be accessible when viewed in their entirety.

The Superintendent or designee shall ensure that the County Office of Education provides appropriate auxiliary aids and services where reasonable and 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 EDCOE web sites, note takers, written materials, taped text, and Braille or large print materials.

Individuals with disabilities shall notify the Superintendent or designee 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. Students with disabilities will be covered under applicable state and federal laws and regulations.

All applicable EDCOE policies that provide further information on nondiscrimination can be found here:

SP 1312.3 Uniform Complaint Procedures; SP AR 1312.3 Uniform Complaint Procedures
SP 4120 Harassment Prevention Policy; SP AR 4120 Harassment Prevention Policy
SP 5260 Nondiscrimination (Students)
SP AR 5260 Sexual Harassment (Students)

Inquiries concerning the application of federal nondiscrimination laws to EDCOE may be referred to the compliance officers as listed above or to the Office for Civil Rights in the U.S. Department of Education:

Office for Civil Rights
U.S. Department of Education
50 United Nations Plaza
Mail Box 1200, Room 1545
San Francisco, CA 94102
Telephone: 415-486-5555; TDD: 800-877-8339; Fax: 415-486-5570
Email: ocr.sanfrancisco@ed.gov

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of sex discrimination

48985 Notices to parents in languages 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

1400-1487 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2471 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 Non discrimination 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

Policy Revised: October 2017

Supercedes: Policy Adopted September 14, 2004