

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

These guidelines are established to assist in the proper implementation of Policy [2260](#).

That policy states:

The Board of Education does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including sexual orientation and transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, genetic information (collectively, "Protected Classes") in its educational programs or activities.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

The District's Compliance Officers shall handle inquiries regarding the Board's nondiscrimination policies and address any complaint of discrimination.

The District will identify, evaluate, and provide a free appropriate public education to students with disabilities (i.e., students who have a physical or mental impairment that substantially limits one (1) more major life activities).

Sex-Based Harassment/Discrimination

The United States Department of Education, Office for Civil Rights ("OCR") considers gender-based harassment to be a form of sex discrimination. In 2010, OCR stated:

Title IX prohibits harassment of both male and female students regardless of the sex of the harasser – i.e., even if the harasser and target are members of the same sex. It also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping. Thus, it can be sex discrimination if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or failing to conform to stereotypical notions of masculinity and femininity. Title IX also prohibits sexual harassment and gender-based harassment of all students, regardless of the actual or perceived sexual orientation or gender identity of the harasser or target. Although Title IX does not prohibit discrimination based solely on sexual orientation, Title IX does protect all students, including lesbian, gay, bisexual, and transgender (LGBT) students, from sex discrimination. When students are subjected to harassment on the basis of their LGBT status, they may also be subjected to forms of sex discrimination prohibited under Title IX. The fact that the harassment includes anti-LGBT comments or is partly based on the target's actual or perceived sexual orientation does not relieve a school of its obligation under Title IX to investigate and remedy overlapping sexual harassment or gender-based harassment.

Courts have also endorsed this interpretation of Title IX.

Administrators and professional staff are directed to thoroughly investigate any allegations of gender-based harassment.

Any questions concerning whether alleged conduct might involve gender-based harassment/sex discrimination should be promptly brought to the Superintendent's attention.

FACILITIES

The educational program of this District shall be accessible to all students. All programs need to be designed and scheduled so the location or nature of the facility or area will not deny an otherwise-qualified student with a disability the opportunity to participate in the academic or other school program on the same basis as a nondisabled student.

Service animals for students who require this type of assistance shall be permitted access to all facilities, programs, and events of the District. (See AG 9160B)

PROGRAM

The educational program includes the academic and nonacademic setting. Each qualified, disabled student shall be educated with the nondisabled student to the maximum extent appropriate. In the nonacademic setting, the disabled student shall participate with the nondisabled students to the maximum extent appropriate to the needs of the disabled student.

Each principal shall ensure that the procedures used with students and parents for selection of and participation in any part of the District's academic, co-curricular, or extra-curricular program do not discriminate on the basis of the Protected Classes (see AG [2411](#) - Guidance and Counseling).

COMPLAINTS

All complaints shall be handled in accordance with the procedure described in AG 2260B. Section 504 does not establish timelines for submission of a hearing request nor does it define "impartial hearing" or require that the selection of the hearing officer be mutually agreed-upon by the District and the parents. The impartial hearing officer should be someone who is not an employee or under contract to this District in any capacity other than to provide this service as a hearing officer. The complainant is to be informed that s/he may contact the U.S. Department of Education's Office of Civil Rights at any time.

Revised 10/29/12

Revised 4/25/14

© **Neola 2014**