

**KERN COUNTY SUPERINTENDENT OF SCHOOLS****STUDENTS****NONDISCRIMINATION IN KCSOS PROGRAMS AND ACTIVITIES**

KCSOS is committed to providing equal opportunity for all individuals in KCSOS programs and activities.

This policy shall apply to all acts related to a school activity or school attendance and to all acts of KCSOS in enacting policies and procedures that govern KCSOS. (Education Code 234.1)

KCSOS programs, activities, and practices shall be free from unlawful discrimination against an individual or group based on one, or a combination or two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; parental, marital, and family status; and veteran or military status; 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. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2)

All individuals shall be treated equitably in the receipt of services in KCSOS programs and activities. Personally identifiable information collected in the implementation of any KCSOS 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 Superintendent authorizes its use for another purpose in accordance with law. Resources and data collected by KCSOS 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.

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

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

Derogatory Native American terms, including Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Redskins, Savages, Squaw, and Tribe, shall not be used for any school or athletic team name, mascot, or nickname, unless permitted in accordance with Education Code 221.3.

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

All complaints alleging unlawful discrimination in KCSOS programs and activities shall be investigated and resolved in accordance with law, KCSOS policy on uniform complaint procedures, and related Superintendent-approved procedures. Complaints alleging sex discrimination, including sexual harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45.

Pursuant to 34 CFR 104.8 and 106.8, students, parents/guardians, applicants for admission, and the public shall be notified about KCSOS 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 KCSOS. The notification shall also be posted on the KCSOS website and social media and in KCSOS program sites and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

Additionally, 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, and their rights related to immigration enforcement. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

The KCSOS nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. Additionally, 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**

KCSOS 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 KCSOS facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, a transition plan shall be developed that sets forth the steps for completing the changes.

KCSOS web and mobile applications shall 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 KCSOS services, programs, or activities. 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 KCSOS websites, notetakers, written materials, taped text, and Braille or large-print materials. 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 a school-sponsored function, program, or meeting.

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

Assistant Superintendent of Student Support  
1300 17th Street  
Bakersfield, CA 93301  
661-636-4000  
lobucher@kern.org