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**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Jenine Lindsey, General Counsel
Gabriel Valenzuela, Ombudsperson / Title IX Coordinator

Board Meeting Date June 25, 2025

Subject Proposed Amendments to Board Policy 0410 – Nondiscrimination in District Programs and Activities

Ask of the Board Approve proposed amendments to Board Policy 0410 – Nondiscrimination in District Programs and Activities.

Background Board Policy 0410 – Nondiscrimination in District Programs and Activities governs the principals and standards that ensure that all students in the District are provided an equal opportunity in education. It was last revised in 2017.

Discussion This proposed revision would update the Nondiscrimination Policy to more closely align with the California School Boards Association (CSBA) model policy. Aligning the policy with the CSBA version helps ensure compliance with state and federal laws prohibiting discrimination, harassment, and retaliation in all district programs and activities. CSBA's Nondiscrimination Policy is legally vetted and routinely updated to reflect changes in legal and regulatory requirements.

While largely based on the CSBA model, the District has retained certain provisions in the policy that reflect local practices and priorities, ensuring the policy remains responsive to the unique needs of the OUSD community.

Fiscal Impact None.

Attachments

- Proposed Amendments to Board Policy 0410 – Nondiscrimination in District Programs and Activities (redline)
- Proposed Amendments to Board Policy 0410 – Nondiscrimination in District Programs and Activities (clean)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Philosophy, Goals, Objectives and Comprehensive Plans

BP 0410

Nondiscrimination In District Programs And Activities

The Governing Board is committed to providing equal opportunity for all individuals in ~~education~~ **district programs and activities**.

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the Board and the Superintendent in enacting policies and procedures that govern the district. (Education Code 234.1). District programs, activities, and practices shall be free from unlawful discrimination, ~~including discrimination~~ against an individual or group based on ~~one, or a combination of two or more, protected characteristics, which include, but may not be limited to, race or ethnicity~~, color, ancestry, nationality, national origin, ~~immigration status~~, ethnic group identification, age, religion, ~~religious creed~~, marital, pregnancy, ~~false pregnancy, childbirth, termination of pregnancy or related conditions of recovery, reproductive health decision-making, breastfeeding or related medical conditions, or parental, marital, and family status, physical or mental disability, medical condition~~, sex, sexual orientation, ~~sex stereotypes~~, gender, gender identity or expression, or genetic information ~~group~~; ~~and veteran or military status~~; a perception of one or more of such characteristics; or association with a person or 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).

~~(cf. 1240—Volunteer Assistance)~~

~~(cf. 4030—Nondiscrimination in Employment)~~

~~(cf. 4032—Reasonable Accommodation)~~

~~(cf. 4033—Lactation Accommodation)~~

~~(cf. 4119.11/4219.11/4319.11—Sexual Harassment)~~

~~(cf. 4161.8/4261.8/4361.8—Family Care and Medical Leave)~~

~~(cf. 5131.2—Bullying)~~

~~(cf. 5145.3—Nondiscrimination/Harassment)~~

~~(cf. 5145.7—Sexual Harassment)~~

~~(cf. 5146—Married/Pregnant/Parenting Students)~~

~~(cf. 6145—Extracurricular and Coextracurricular Activities)~~

~~(cf. 6145.2—Athletic Competition)~~

~~(cf. 6164.4—Identification and Evaluation of Individuals for Special Education)~~

~~(cf. 6164.6—Identification and Education Under Section 504)~~

~~(cf. 6178—Career Technical Education)~~

~~(cf. 6200—Adult Education)~~

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

BP 0410 Nondiscrimination In District Programs and Activities

others, to compile a list, registry, or database of individuals based on any of the categories identified above.

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

District programs and activities shall also 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, 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. ~~The Superintendent or designee~~ He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report ~~the~~ his/her findings and recommendations to the Board after each review.

~~(cf. 1330—Use of Facilities)~~

All ~~allegations of~~ **complaints alleging** unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with ~~the procedures~~ **Board Policy and Administrative Regulation 1312.3 – Uniform Complaint Procedures, for students, and Administrative Regulation 4030 - Nondiscrimination in Employment, for employees.** ~~specified in AR 1312.3 – Uniform Complaint Procedures.~~

(cf. 1312.3 - Uniform Complaint Procedures)

Pursuant to 34 CFR 104.8 and 34 CFR 106.~~8~~ 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 in accordance with Board Policy/Exhibit (1) 5145.6 - Parent/Guardian Notifications** and, as applicable, ~~each in~~ announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed **by the district.** ~~to these groups and, as applicable, to the public. As appropriate, such~~ The notification shall **also be posted on the district's website and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.** ~~in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on the district's web site and, when available, district supported social media.~~

~~(cf. 1113—District and School Web Sites)~~

~~(cf. 1114—District Sponsored Social Media)~~

~~(cf. 4112.9/4212.9/4312.9—Employee Notifications)~~

~~(cf. 5145.6—Parental Notifications)~~

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

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. **(Education Code 48985; 20 USC 6312).**

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.

~~(cf. 6163.2—Animals at School)~~

~~(cf. 7110—Facilities Master Plan)~~

~~(cf. 7111—Evaluating Existing Buildings)~~

The Superintendent or designee shall ensure that the district's **web and mobile applications comply with technical standards prescribed by law, and as necessary, shall provide** appropriate auxiliary aids and services ~~when necessary~~ to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of **a district 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 district and school web sites, notetakers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Superintendent or **designee** ~~principal~~ 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.

~~(cf. 6020—Parent Involvement)~~

~~(cf. 9320—Meetings and Notices)~~

~~(cf. 9322—Agenda/Meeting Materials)~~

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws is hereby designated as the district's ADA coordinator. **The compliance officer** He/she 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.

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

51204.5 Required courses of study

51500 - 51501 Prohibited Materials

60040 – 60052 Instructional Materials Requirements

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

1400-1482 Individuals with Disabilities in Education Act

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

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

621 Age Discrimination

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 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

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

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

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Electronic Book Readers, June 29, 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

Accessibility of State and Local Government Websites to People with Disabilities, June 2003

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines, December 2008

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

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>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

8/25/04; 8/9/17A, 6/25/25A

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Philosophy, Goals, Objectives and Comprehensive Plans

BP 0410

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BP 0410 Nondiscrimination In District Programs and Activities

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 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
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 California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>
 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>
 U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>
 World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

8/25/04; 8/9/17A, 6/25/25A