

Policy 0410: Nondiscrimination In District Programs And Activities

Status: ADOPTED

Original Adopted Date: 03/24/1944 | **Last Revised Date:** 11/19/2024 | **Last Reviewed Date:** 11/19/2024

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board is committed to providing equal opportunity for all individuals in district programs and activities. District 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 decisionmaking; 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 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 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 be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

The Superintendent or designee shall annually 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 shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Except for allegations of sex discrimination or sex-based harassment, allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy and Administrative Regulation 1312.3 - Uniform Complaint Procedures, for students, and Administrative Regulation 4030 - Nondiscrimination in Employment, for employees. 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 Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for students, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for employees.

Pursuant to 34 CFR 104.8 and 106.8, 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 pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. 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 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 Superintendent or designee. (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.

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 to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of 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 websites, notetakers, 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 a school-sponsored function, program, or meeting.

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

Executive Director of Special Education
Menifee Union School District
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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

State

Ed. Code 200-262.4
Ed. Code 33315
Ed. Code 48980
Ed. Code 48985
Ed. Code 51007
Ed. Code 51204.5
Ed. Code 51501
Ed. Code 60010
Ed. Code 60040-60052
Gov. Code 11000
Gov. Code 11135
Gov. Code 12900-12996
Gov. Code 54953
Gov. Code 54953.2
Gov. Code 8310.3
Pen. Code 422.55
Pen. Code 422.6

Federal

20 USC 1400-1482
20 USC 1681-1688
20 USC 2301-2414
20 USC 6311
20 USC 6312
28 CFR 35.101-35.190
28 CFR 36.303
29 USC 621
29 USC 794
34 CFR 100.1-100.13
34 CFR 104.1-104.39
34 CFR 106.1-106.82
42 USC 12101-12213
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17

Management Resources

CA Civil Rights Department Publication

CA Department of Health Care Services
Publication

Description

[Prohibition of discrimination](#)
Uniform complaint procedures
[Parent/Guardian notifications](#)
[Notices to parents in language other than English](#)
[Legislative intent: state policy](#)
[Social sciences instruction; contributions of specified groups](#)
[Nondiscriminatory subject matter](#)
[Instructional materials; definition](#)
[Requirements for instructional materials](#)
[Definitions](#)
[Prohibition of discrimination](#)
[Fair Employment and Housing Act](#)
[Meetings; Americans with Disabilities Act accessibility](#)
[Brown Act compliance with Americans with Disabilities Act](#)
[California Religious Freedom Act](#)
[Definition of hate crime](#)
[Crimes; harassment](#)

Description

[Individuals with Disabilities Education Act](#)
Title IX of the Education Amendments of 1972; discrimination based on sex
[Strengthening Career and Technical Education for the 21st Century Act](#)
[State plan](#)
[Local educational agency plan](#)
Americans with Disabilities Act
[Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services](#)
Age discrimination in employment
[Rehabilitation Act of 1973; Section 504](#)
[Nondiscrimination in federal programs; effectuating Title VI](#)
Section 504 of the Rehabilitation Act of 1973
[Discrimination on the basis of sex; effectuating Title IX](#)
[Americans with Disabilities Act](#)
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended

Description

[California Law Prohibits Workplace Discrimination and Harassment, January 2024](#)

[Policy and Procedures Letter No. 21-017R, December 2021](#)

Management Resources

Description

CA Department of Health Care Services
Publication

[Policy and Procedures Letter No. 23-004, February 2023](#)

CA Office of the Attorney General Publication

[Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024](#)

CA Office of the Attorney General Publication

[Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018](#)

Court Decision

[Burlington Northern and Santa Fe Ry. Co. v. White \(2006\) 548 U.S. 53](#)

Court Decision

[Tennessee v. Cardona \(2024\) 737 F.Supp.3d 510](#)

Court Decision

[Students for Fair Admissions v. Harvard \(2024\) 600 U.S. 181](#)

Court Decision

[Olmstead v. L.C. ex rel. Zimring \(1999\) 527 U.S. 581](#)

Court Decision

[McDonnell Douglas Corp v. Green \(1973\) 411 U.S. 792](#)

Court Decision

[John T. D. v. River Delta Joint Unified School District \(2021\) WL 5176356](#)

CSBA Publication

[Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024](#)

CSBA Publication

[Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024](#)

CSBA Publication

[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024](#)

Federal Register

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579](#)

U.S. Department of Education Publication

[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)

U.S. DOE, Office for Civil Rights Publication

[Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act, February 28, 2025](#)

U.S. DOE, Office for Civil Rights Publication

[Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students For Fair Admissions v. Harvard, February 14, 2025](#)

U.S. DOE, Office for Civil Rights Publication

[Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025](#)

U.S. DOE, Office for Civil Rights Publication

[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](#)

U.S. DOE, Office for Civil Rights Publication

[Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023](#)

U.S. DOE, Office for Civil Rights Publication

[Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011](#)

U.S. DOE, Office for Civil Rights Publication

[Dear Colleague Letter: Electronic Book Readers, June 29, 2010](#)

U.S. DOE, Office for Civil Rights Publication

[Nondiscrimination in Employment Practices in Education, August 1991](#)

U.S. DOJ, Civil Rights Division Publication

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

U.S. DOJ, Civil Rights Division Publication

[Guidance on Web Accessibility and the ADA, March 2022](#)

U.S. DOJ, Civil Rights Division Publication

[Accessibility of State and Local Government Websites to People with Disabilities, February 2020](#)

U.S. DOJ, Civil Rights Division Publication

[2010 ADA Standards for Accessible Design, September 2010](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[Pacific ADA Center](#)

Management Resources

Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	California Office of the Attorney General
Website	California Safe Schools Coalition
Website	CSBA
Website	California Department of Education
Website	California Civil Rights Department
Website	U.S. Department of Education, Office for Civil Rights
Website	California Department of Health Care Services
Website	U.S. Equal Employment Opportunity Commission
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, September 2023

Description**Cross References**

0100	Philosophy
0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1230	School-Connected Organizations
1230	School-Connected Organizations
1240	Volunteer Assistance
1240	Volunteer Assistance
1260	Educational Foundation
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E PDF(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E PDF(1)	Williams Uniform Complaint Procedures
1312.4-E PDF(2)	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1325	Advertising And Promotion

Description

Cross References**Description**

1330	Use Of School Facilities
1330	Use Of School Facilities
3260	Fees And Charges
3260	Fees And Charges
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3311	Bids
3311	Bids
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3540	Transportation
3541.2	Transportation For Students With Disabilities
3541.2	Transportation For Students With Disabilities
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4033	Lactation Accommodation
4040	Employee Use Of Technology
4040-E PDF(1)	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4111	Recruitment And Selection
4111.2	Legal Status Requirement
4111.2	Legal Status Requirement
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E PDF(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints

Cross References**Description**

4144	Complaints
4161.8	Family Care And Medical Leave
4211	Recruitment And Selection
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212.9	Employee Notifications
4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E PDF(1)	Professional Standards - Code Of Ethics
4219.22	Dress And Grooming
4244	Complaints
4244	Complaints
4261.8	Family Care And Medical Leave
4311	Recruitment And Selection
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.9	Employee Notifications
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.12	Title IX Sexual Harassment Complaint Procedures
4319.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E PDF(1)	Professional Standards
4319.22	Dress And Grooming
4331	Staff Development
4344	Complaints
4344	Complaints
4361.8	Family Care And Medical Leave
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.2	Involuntary Student Transfers
5125	Student Records
5125	Student Records

Cross References**Description**

5126	Awards For Achievement
5126	Awards For Achievement
5131.2	Bullying
5131.2	Bullying
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.6	School Health Services
5141.6	School Health Services
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E PDF(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6000	Concepts And Roles
6020	Parent Involvement
6020	Parent Involvement
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.3	Civic Education
6142.5	Environmental Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6143	Courses Of Study

Cross References**Description**

6143	Courses Of Study
6144	Controversial Issues
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6158	Independent Study
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6162.5	Student Assessment
6163.1	Library Media Centers
6163.2	Animals At School
6163.2	Animals At School
6163.4	Student Use Of Technology
6163.4-E PDF(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E PDF(1)	Education For Homeless Children
6173-E PDF(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6175	Migrant Education Program
6175	Migrant Education Program
7110	Facilities Master Plan
7111	Evaluating Existing Buildings
7310	Naming Of Facility
9220	Governing Board Elections
9220-E PDF(1)	Governing Board Elections
9320	Meetings And Notices
9322	Agenda/Meeting Materials