



Policies: Nondiscrimination

The Board affirms that there shall be no discrimination against anyone in the school system on the basis of race, age, marital status, creed, color, sex, disability, or national origin.

The Boulder Valley School District will not tolerate discrimination, harassment, or violence against anyone, including students and staff members, regardless of race, ethnicity, gender, sexual orientation, age, disability, or religion.

LEGAL REFS.: Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII
Executive Order 11246, as amended by Executive Order 11375
Equal Opportunity Act of 1972, Title VII
Education Amendments of 1972, Title IX (P.L. 92-318)
45 C.F.R. Parts 81, 86 (Federal Register, June 4, 1975; August 11, 1975)
Vocational Rehabilitation Act, Section 504
C.R.S. 22-20-101 et seq.
C.R.S. 24-34-301 through -306
Americans with Disabilities Act of 1990

CROSS REFS.: ACA*, Nondiscrimination on the Basis of Sex (Compliance with Title IX)
GBA, Equal Opportunity Employment (And Affirmative Action)
JB, Equal Educational Opportunities

File: AC
Adopted: date of manual adoption
Revised: May 26, 1994
Associated Regulation: AC-R
Associated Exhibit: AC-E1

End of File: AC



Boulder Valley

Public Schools

Policies: Nondiscrimination On The Basis Of Sex

(Compliance with Title IX)

DESIGNATION OF RESPONSIBLE EMPLOYEE

The Board of Education shall designate an individual as the responsible employee to coordinate School District compliance with Title IX and its administrative regulations.

The designee, the District's Title IX compliance officer, shall formulate procedures for carrying out the policies in this statement, and shall be responsible for continuing surveillance of District educational programs and activities with regard to compliance with Title IX and its administrative regulations.

The designee shall, upon adoption of this policy and once each academic year thereafter, notify all students and employees of the District of the name, office, address, and telephone number of the designee. Notification shall be by posting and/or other means sufficient to reasonably advise all students and employees.

GRIEVANCE PROCEDURE

It is the policy of the Board of Education that any employee or student shall have a ready means of resolving any claim of discrimination on the basis of sex in the educational programs or activities of the District. To this end, the following policies are adopted.

In the event an employee or student believes there has been a violation of Title IX or its administrative regulations, he or she shall mail or deliver to the employee designated as Title IX compliance officer a written statement setting out the alleged violation in specific terms describing the incident or activity involved, the individuals involved, and the dates, times, and locations involved.

The Title IX compliance officer shall provide the individual filing the written statement an opportunity to discuss the matter personally, if requested.

The Title IX compliance officer shall make such additional investigation as is necessary to determine the complete facts involved and shall report to the Superintendent of Schools his findings and recommendations regarding resolution of the matter. The Superintendent shall take such action as is necessary, in his judgment, to resolve the matter. At the next succeeding regular meeting of the Board of Education, the matter shall be reported to the Board for its review and action if it deems further action necessary.

If the employee or student submitting the written statement of an alleged violation is not satisfied with the handling of the matter by the Superintendent, he may appear before the Board of Education and present the matter directly to the Board.

Policies: Nondiscrimination On The Basis Of Sex, continued

continued



Boulder Valley
Public Schools

DISSEMINATION OF POLICY

The Superintendent of Schools shall notify applicants for admission and employment, students, parents of elementary and secondary school students, employees, and sources of referral of applicants for admission and employment that it does not discriminate on the basis of sex in the educational programs or activities which it operates, and that it is required by Title IX and its administrative regulations not to discriminate in such a manner. The notification shall be made in the form and manner required by law or regulation.

Current practice codified: 1978

LEGAL REFS.: Title IX of the Education Amendments of 1972
45 C.F.R. Part 86 (Federal Register, June 4, 1975)

File: ACA

Printed: April 2, 2001



*Policy: Nondiscrimination On The Basis Of
Handicap or Disability*

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (“ADA”) provide that no qualified individual with a disability shall, on the basis of the disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination. The District does not discriminate in admission or access to, or treatment or employment in, its programs and activities.

Persons protected under Section 504 and the ADA include students, applicants for employment, employees, parents of students, and members of the community who come within the definitions of “handicapped person” or “individual with a disability” under those statutes.

A handicapped person or individual with a disability to whom the protections of Section 504 and the ADA apply is any person who (i) has a physical or mental impairment, which substantially limits one or more major life activities, (ii) has a record of such impairment, or (iii) is regarded as having such an impairment.

The Superintendent shall appoint an individual in central administration to coordinate the District’s efforts to ensure compliance with Section 504 and the ADA, who shall be known as the Section 504/ADA coordinator. Such person shall ensure that steps are taken to notify students, parents, applicants for employment, employees, and organizations representing District employees that the District does not discriminate in violation of Section 504 or the ADA or their implementing regulations, and of the identity of the Section 504/ADA coordinator.

Nondiscrimination in Employment. No qualified person with a disability who is employed by the District shall be subject to discrimination in employment based on disability. With respect to employment, a “qualified individual with a disability” is a person with a disability who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodations to the known physical or mental limitations of an otherwise qualified person with a disability will be made, unless the accommodation would impose an undue hardship on the operation of the District’s programs or unless the accommodation would require modifications in the essential functions of the job in question.

The District does not discriminate against qualified persons with a disability in recruitment, advertisement of employment positions, processing applications for employment, use of employment tests and screening criteria, and in making employment decisions. Recruitment materials shall include a statement that the District does not discriminate on the basis of handicap or disability in treatment or employment of applicants.



Policy: Nondiscrimination On The Basis Of Handicap or Disability, c
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Employees who believe that the District has discriminated on the basis of handicap or disability in violation of Section 504 or the ADA may file a complaint in accordance with the procedures set forth in Regulation GBM-R [GBK-R], Staff Complaints and Grievances.

Nondiscrimination with Respect to Students. The District will provide to each qualified student with a disability attending school in the District a free appropriate public education. With respect to preschool, elementary, secondary, or adult educational services, a “qualified individual with a disability” is a person with a disability of an age during which nondisabled persons are provided such services, or of an age during which it is mandatory under state or federal law to provide such services to persons with disabilities.

The District will not exclude or discriminate against, on the basis of handicap or disability, qualified students with disabilities from participation in nonacademic and extracurricular services and activities. Such services and activities include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, and employment of students.

A student who believes he or she has been subject to discrimination on the basis of handicap or disability in access to or participation in programs or activities operated or sponsored by the District may file a complaint in accordance with the procedures of Regulation ACB-R [ACE-R], Nondiscrimination on the Basis of Disability Student Grievance Procedure under Section 504 and the ADA. With respect to actions involving the provision of education and related services to a particular student, the procedural safeguards adopted by the District in its Regulation ACB-R [ACE-R] Section 504 Due Process Hearing Procedure may be invoked.

Nondiscrimination with Respect to Parents, Guardians, or Members of the Public with Disabilities. Individuals who are disabled within the meaning of Section 504 and who are parents or guardians of students enrolled in the District are “qualified individuals with disabilities” for the purposes of parent-oriented activities directly related to their children’s education. The District will make reasonable accommodations to permit parents or guardians with disabilities to be involved in their children’s education with respect to school conferences and other activities directly related to the academic and disciplinary aspects of their children’s education. Likewise, appropriate accommodations will be attempted for all members of the public with disabilities who seek to participate in and enjoy the benefits of the School District’s services, programs, or activities.

Adopted August 27, 1992
Revised: June 1, 1998
File: ACB
Printed: April 2, 2001