
Civil Rights Training

East Hollywood High School

What Is Non-Discrimination?

- ❑ Non-discrimination is the practice of treating all people the same way in order to be fair.
- ❑ East Hollywood High School actively seeks to prevent discrimination or harassment on the basis of age, sex, color, disability, national origin, religion, race, sexual orientation or gender identity.
- ❑ We are committed to ensuring that all programs and facilities are accessible to all.

Federal Law Mandates

Federal Civil Rights Laws Require Schools to:

- ☐ Prevent, Respond to and Remedy discrimination and harassment.
 - ☐ Promote equal access to all programs and facilities.
 - ☐ Regularly notify students, parents, and employees that the District does not discriminate on the basis of race, color, national origin, sex or disability.
 - ☐ Implement and disseminate prompt and equitable complaint procedures for handling allegations of discrimination and harassment.
 - ☐ Designate an employee responsible for coordinating compliance with these federal civil rights laws.
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Unlawful and Prohibited Conduct Defined

- ❑ Discrimination occurs when an individual is treated differently and/or unfairly in an educational or employment context, solely on the basis of the individual's sex/gender, race, color, national origin, ancestry, religion, age, disability, gender identity or sexual orientation.
 - ❑ Discrimination on the basis of sex shall include, but is not limited to, sexual harassment.
 - ❑ At East Hollywood High School, discrimination, sexual harassment, and harassment, including teasing and bullying, is unacceptable and will not be tolerated.
 - ❑ **Staff have a responsibility to report incidents or behavior they believe to be unlawful or prohibited.**
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Unlawful and Prohibited Conduct Defined, cont.

- ☐ Harassment based on a person's sex/gender, race, color, national origin, ancestry, religion, age, disability, gender identity or sexual orientation consists of conduct that:
 - ☐ (a) has the purpose or effect of creating an intimidating, hostile, humiliating, or offensive work or educational environment;
 - ☐ (b) has the purpose of substantially or unreasonably interfering with a person's work or academic performance; and/or
 - ☐ (c) otherwise adversely affects a person's academic standing or employment opportunities.
 - ☐ Discrimination and harassment are unlawful and hurt all members of the school community.
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Federal Laws Overview

The following are key federal laws governing Civil Rights:

- ❖ Americans with Disabilities Act of 1990 (Title I and Title II)
- ❖ Civil Rights Act of 1964 (Title VI)
- ❖ Equal Educational Opportunities Act of 1974
- ❖ Educational Amendments of 1972 (Title IX)
- ❖ Rehabilitation Act of 1973 (Section 504)
- ❖ McKinney-Vento Homeless Assistance Act of 2001
- ❖ Every Student Succeeds Act (2015)

Federal Law: Title II of the Americans with Disabilities Act of 1990 (ADA) and the Americans with Disabilities Amendments Act of 2008 (ADAAA)

- ❑ The ADA prohibits discrimination on the basis of a disability.
 - ❑ The ADA requires the District to provide reasonable accommodations or modifications to ensure access to programs and facilities, a free appropriate public education for elementary and secondary students, and non-discriminatory employment practices.
 - ❑ The ADA applies to special education services, evaluations, Individual Education Plans (IEPs), and student discipline.
 - ❑ It is the responsibility of all educators who work with a student on an IEP to provide the plan's accommodations and/or modifications - this is a legal requirement.
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Federal Law: Title VI of the Civil Rights Act of 1964

- ☐ Title VI prohibits discrimination on the basis of race, color, and national origin in programs receiving federal financial assistance.
- ☐ Title VI applies to students, parents, and employees.
- ☐ Title VI prohibits discrimination in student class assignments or ability tracking, and protects English language learners.

Federal Law: Title IX of the Education Amendments of 1972

- ❑ Title IX prohibits discrimination on the basis of sex in educational programs and activities. Discrimination on the basis of sex can include sexual harassment or sexual violence.
- ❑ Schools have a responsibility to respond promptly and effectively. If a school knows or reasonably should know about sexual harassment or sexual violence, the school must take immediate action to eliminate the sexual harassment or sexual violence, prevent its recurrence, and address its effects.
- ❑ Title IX requires schools to adopt and publish grievance procedures for students to file complaints of sex discrimination, including complaints of sexual harassment or sexual violence.

Title IX: Understanding Sexual Harassment

- ☐ Sexual harassment creates a hostile environment due to inappropriate sexual speech, materials, and/or actions.
 - ☐ Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, and/or any other conduct, verbal, visual or physical, of a sexual nature.
 - ☐ Sexual harassment interferes with school or work performance and creates an intimidating, humiliating, and/or offensive environment.
 - ☐ Sexual harassment issues can involve student-to-student, student-to-staff, staff-to-student, or staff-to-staff behavior.
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Title IX: Understanding Sexual Harassment, cont.

- ☐ Sexual harassment affects women and men
 - ☐ Sexual harassment may include, but is not limited to:
 - ☐ Unwelcome sexual advances or requests for sexual favors
 - ☐ Inappropriate touching; intentionally impeding movement; displaying sexually suggestive materials; verbal comments; gestures; drawn, written, or electronic communication of a sexual nature; leering or voyeurism, or intimidation based on gender or sexual preference
 - ☐ Examples of prohibited activities that may create a hostile school or work environment include:
 - ☐ Vulgar or explicit sexual-related epithets and/or abusive language;
 - ☐ Sexually explicit behavior, comments on appearance and/or indecent exposure by students or employees;
 - ☐ Sexually related graffiti, posters, or calendars.
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Federal Law: Section 504

- ❑ Provides that no qualified disabled person shall be discriminated against or be excluded from participation in an activity.
 - ❑ A disability is a mental or physical impairment that limits a person's major life activities (self-care, walking, seeing, hearing, learning, breathing, speaking, thinking, concentrating, and reading).
 - ❑ The ADAAA amended both the ADA and Section 504 to more broadly construe the definition of disability.
 - ❑ Reasonable accommodations/modifications must be made to provide access to programs and/or facilities.
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Federal Law: Section 504

- ❑ When a student has a 504 Accommodation Plan, it is the responsibility of all educators who work with that student to provide the accommodations - this is a legal requirement.
- ❑ Case law suggests that educators who do not provide accommodations listed in 504 plans may be personally liable for failing to do so.
- ❑ No discrimination against a person with a disability will be permitted in any program of East Hollywood Hig School.
- ❑ Questions about eligibility and enforcement should be directed to the 504 coordinator. (Carla Coleman)

Civil Rights Complaint Procedure - Step 1: Initial Complaint

Discrimination complaints should be reported as soon as possible, but no later than 90 days after the incident.

- ☐ Written Grievance signed by the complainant shall be submitted to the appropriate Coordinator
 - ☐ Coordinator shall investigate and reply in writing to the complainant within 10 business days.
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Civil Rights Complaint Procedure - Step 2: Appeal to Director

- ☐ If the complainant wishes to appeal the decision of the Coordinator, they may submit a signed statement of appeal to the East Hollywood High School Director within 10 business days after the receipt of the Coordinator's response.
 - ☐ The East Hollywood High School Director shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within 10 business days.
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Civil Rights Complaint Procedure - Step 3: Appeal to Governing Board

- ☐ If the complainant is not satisfied, they may appeal through a signed statement to the East Hollywood High School Board or Trustees within 10 business days of her/his receipt of the Director's response in step 2.
 - ☐ In an attempt to resolve the grievance, the Board will meet with the concerned parties and their representatives within 40 days of such an appeal.
 - ☐ A copy of the Board's disposition of the appeal shall be sent to each party within 10 business days.
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State and Federal Procedures

- ☐ The complainant may contact the Educational Equity Specialist at the Utah State Board of Education or the Utah Parent Center for Guidance.
 - ☐ The complainant may file a complaint with the Office for Civil Rights (OCR) at any time before, during or after the local grievance procedure.
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Conflict of Interest

- ❑ If the complaint involves the Coordinator, a report can be made to the principal/designee. If the principal is involved in the complaint, the Governing Board shall be responsible for designating the responsibility for investigating the complaint to a school official.
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