

## **2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

This administrative guideline is established to assist in the proper implementation of Policy [2260](#).

That policy states:

The Board of Education does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including sexual orientation and transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

The District's Compliance Officers shall handle inquiries regarding the Board's non-discrimination policies and address any complaint of discrimination.

The District will identify, evaluate, and provide a free appropriate public education to students with disabilities (i.e., students who have a physical or mental impairment that substantially limits one or more major life activities).

### **Sex-Based Harassment/Discrimination**

The United States Department of Education, Office for Civil Rights ("OCR") considers gender-based harassment to be a form of sex discrimination. In 2010, OCR stated:

Title IX prohibits harassment of both male and female students regardless of the sex of the harasser – i.e., even if the harasser and target are members of the same sex. It also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping. Thus, it can be sex discrimination if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or failing to conform to stereotypical notions of masculinity and femininity. Title IX also prohibits sexual harassment and gender-based harassment of all students, regardless of the actual or perceived sexual orientation or gender identity of the harasser or target.

Although Title IX does not prohibit discrimination based solely on sexual orientation, Title IX does protect all students, including lesbian, gay, bisexual, and transgender (LGBT) students, from sex discrimination. When students are subjected to harassment on the basis of their LGBT status, they may also be subjected to forms of sex discrimination prohibited under Title IX. The fact that the harassment includes anti-LGBT comments or is partly based on the target's actual or perceived sexual orientation does not relieve a school of its obligation under Title IX to investigate and remedy overlapping sexual harassment or gender-based harassment.

Courts have endorsed this interpretation of Title IX.

Administrators and professional staff are directed to thoroughly investigate any allegations of gender-based harassment.

Any questions concerning whether alleged conduct might involve gender-based harassment/sex discrimination should be promptly brought to the Superintendent's attention.

## **FACILITIES**

The educational program of this District shall be accessible to all students. All programs need to be designed and scheduled so the location or nature of the facility or area will not deny an otherwise-qualified student with a disability the opportunity to participate in the academic or other school program on the same basis as a nondisabled student.

Service animals for students who require this type of assistance shall be permitted access to all facilities, programs, and events of the District. See AG [8390](#) and Policy [8390](#).

## **PROGRAM**

The educational program includes the academic and nonacademic setting. Each qualified, disabled student shall be educated with nondisabled students to the maximum extent appropriate. In the nonacademic setting, the disabled student shall participate with the nondisabled students to the maximum extent appropriate.

Each Principal shall verify that the procedures used with students and parents for selection of and participation in any part of the District's academic, co-curricular, or extra-curricular program do not discriminate on the basis of the Protected Classes. See AG [2411](#) - Guidance and Counseling.

## **COMPLAINTS**

All complaints shall be handled in accordance with Policy [2260](#) or Policy 2260.01. The complainant shall be informed that s/he may contact the U.S. Department of Education's Office for Civil Rights at any time.

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## **PROCEDURE FOR COMPLAINTS OF DISCRIMINATION AGAINST STUDENTS**

District Policy 4110 prohibits unlawful discrimination in accordance with State and Federal law and regulations. Unlawful discrimination may include discrimination based on race, color, national origin, gender (including sexual harassment), sexual orientation, disability, citizenship status, age, or legally acquired genetic information. The District does not permit unlawful discrimination in any of its educational program, activities, or practices. This prohibition applies to unlawful discrimination by employees, students, and third parties, where such conduct occurs as part of the District's programs or activities. These District Regulations contain procedures designed to carry out the intent of said law and policy.

Complaints of unlawful discrimination against students may, but are not required to be, discussed initially and informally with a building administrator. Alternatively, or in addition to such discussions, a formal, written complaint may be filed with the building administrator, using free prose or the form (R-4110 F 1) provided in these Regulations. Failure to file a written complaint is not a failure to complain, and all complaints, whether oral or written, should be investigated in an expeditious manner. When a teacher, aide, or other employee receives a complaint from a student or parent, or observes behavior or practices prohibited by the District's nondiscrimination policy, the employee should complete the complaint form and submit it to the building administrator. The building administrator receiving a complaint shall, upon receipt of the complaint, give notice of the complaint to: (1) the Assistant Superintendent; (2) the Section 504 or Title IX compliance officer, if applicable; (3) the alleged victim (if the alleged victim is not the complainant; and (4) the alleged victim's parents (if the alleged victim is a minor). The building administrator shall also give notice of the complaint to the alleged perpetrator of unlawful discrimination and, if the alleged perpetrator is a minor, to the alleged perpetrator's parents.

The building administrator or his or her designee shall investigate the complaint. The investigator shall, after consultation with the alleged victim of unlawful discrimination, the complainant (if different from the alleged victim), and the alleged perpetrator of unlawful discrimination, identify all potential witnesses and other evidence. If the complaint involves Section 504 or Title IX, the Section 504 or Title IX compliance officer, as applicable, shall monitor and assist as needed with the investigation. The investigator must interview the alleged victim, the complainant (if different from the alleged victim), the alleged perpetrator, and other persons identified as witnesses to the event(s) believed to constitute unlawful discrimination.

Except for unusually complex circumstances, the investigator shall conclude the investigation and prepare a written report within ten school days of receipt of the complaint. The investigative report is to be forwarded to the Building Principal, the Assistant Superintendent, the Director of Pupil Personnel, and, if applicable, the District's Section 504 or Title IX compliance officer. The report filed must describe any recommended resolution and/or remedial action if the complaint is found to be valid, including training or other remedial actions to prevent future unlawful discrimination. If the complaint is found to be valid, the building administrator, in consultation with the Assistant Superintendent, Director of Pupil Personnel, and, if applicable, the Section 504 or Title IX compliance officer, shall take timely, age-appropriate action reasonably calculated to address the unlawful discrimination and its effects on the complainant and others and to prevent any further unlawful discrimination.

The building administrator shall provide the alleged victim and his or her parents, the alleged perpetrator, and, if the alleged perpetrator is a minor, the alleged perpetrator's parents, with written notice of the outcome of the investigation within two school days of the transmittal of the investigatory report to the Assistant Superintendent, subject to laws and regulations governing the confidentiality of student information.

Penalties for unlawful discrimination against any person, student or otherwise, or for retaliation against a person filing a complaint (whether proven to be valid or invalid), may include suspension or expulsion from school, or suspension (without pay) from or termination of employment. Other penalties may include, but are not limited to, oral or written warnings, written reprimand, transfer, and remediation in the form of compulsory training.

The District's 504 compliance officer is: Eileen Bowers  
Director of Pupil Personnel  
37047 Ridge Road  
Willoughby, Ohio 44094  
(440) 946-5000

The District's Title IX compliance officer is: Eileen Bowers  
Director of Pupil Personnel  
37047 Ridge Road  
Willoughby, Ohio 44094  
(440) 946-5000