



GUIDANCE FOR NONDISCRIMINATION NOTICES

New August 2015

Introduction:

Each school district is required to publish annual and continuous nondiscrimination notifications. Notifications must include notification of nondiscrimination in both programs and employment on the basis of all required protected classes (see Tables 1 and 2). Both annual and continuous notifications may include protected classes for both programs and employment, or the district may locally choose to have separate notices for programs and employment.

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Two Notice Requirements:

There are two obligations required when providing notice of nondiscrimination: annual and continuous.

- Annual Notice: Section IV-O of the Office for Civil Rights (OCR) Guidelines for Eliminating Discrimination in Vocational Education Programs of 1979 requires an annual notice prior to the beginning of each school year.
- Continuous Notice: The Title IX, Section 504, and Title II regulations require that notices of nondiscrimination be made on a continuing basis.

Federal and State Protected Classes:

The regulatory authority for these requirements resides in the following locations:

- Title II of the Americans with Disabilities Act (ADA) – 28 CFR Part 35
- Title VI of the Civil Rights Act of 1964 – 34 CFR Part 100
- Title IX of the Education Amendments of 1972 – 34 CFR Part 106
- Section 504 of the Rehabilitation Act of 1973 – 34 CFR Part 104
- OCR Guidelines for Eliminating Discrimination in Vocational Education Programs of 1979 – 34 CFR Part 100 Appendix B
- Age Discrimination Act of 1975 – 34 CFR Part 110

Table 1 lists the federally protected classes required in continuous and annual notices of nondiscrimination. If the notifications for nondiscrimination in programs and employment are combined, the notice is required to contain all protected classes.

Table 2 lists the protected classes under Iowa statute. Authority for continuous and annual notice is contained in federal law. Iowa protected classes included in Iowa Code shall be included in your organization's continuous and annual notice.

Table 1 Federal Protected Classes

Federal Continuous Notice	
Authority	Protected Class
Title VI (Programs and Employment)	Race Color National Origin
Title IX (Programs and Employment)	Sex
Section 504 (Programs and Employment)	Disability
Title II of the ADA (Programs and Employment)	Disability
Age Discrimination Act of 1975 (Employment)	Age
Federal Annual Notice	
OCR Guidelines for Eliminating Discrimination in Vocational Education Programs of 1979	Race Color National origin Sex Disability

Table 2 Iowa Protected Classes

Authority	Protected Class
Iowa Code §216.9 – (Programs and Employment)	Race Color National origin Sex Disability Sexual orientation Gender identity Creed Religion
Iowa Code §216.9(d) – (Programs)	Includes the protected classes covered under §216.9 and adds to those classes: Marital status
Iowa Code §216.6 – (Employment)	Includes the protected classes covered under §216.9 and adds to those classes: Age
281 IAC 12.1(1); 280.3 – (Programs)	Includes the protected classes covered under §216.9 and adds to those classes: Socioeconomic status

Annual Notice Requirements:

Section IV-O of the OCR Guidelines for Eliminating Discrimination in Vocational Education Programs of 1979 requires recipients of federal funding that operate vocational education programs to provide an annual notice of nondiscrimination prior to the beginning of each school year to:

- Students
- Parents
- Employees
- General public

The annual notice of nondiscrimination must include a brief summary of the recipient's program offerings and admissions criteria for career and technical education programs. It shall also include all of the protected classes; the name, title, address, telephone number and email address of person(s) designated to coordinate Title IX and Section 504 compliance; and the district's grievance procedure. Announcement of this policy of nondiscrimination must be published in forums that will allow the entire public to view it, in at least one of the following:

- Local newspapers
- District publications
- District website, and/or other media that reach the general public, including program beneficiaries, national origin persons with limited English language skills, and persons with disabilities.

If the district/agency's service area contains a community of national origin minority persons with limited English language skills, the annual notice must be disseminated to that community in its language and state that recipients will take steps to assure that the lack of English language skills will not be a barrier to admission and participation in the recipient's CTE programs.

If the district chooses to publish the annual notice on the district website, the notice must appear prominently on the home page or within one click on an obvious link (i.e., Equity or Nondiscrimination tab.) If the district chooses to publish the annual notice solely on the website, the district must be reasonably assured that most community members have access to the Internet.

Program offerings and areas of study are defined as the six service areas:

- Agricultural Education
- Business Education
- Health Occupations Education
- Family and Consumer Sciences Education
- Industrial Education
- Marketing Education

Sample Annual Notice of Nondiscrimination Policy Statement:

The notice shall include:

The [Name of district] offers career and technical programs in the following service areas:

[List CTE Service Areas]

It is the policy of the [Name of district] Community School District not to discriminate on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for

programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices. There is a grievance procedure for processing complaints of discrimination. If you have questions or a grievance related to this policy please contact the district's Equity Coordinator, Name, Title, Address, Phone Number, E-mail Address,

(The notice may include): Director of the Office for Civil Rights U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-7204, Telephone: (312) 730-1560 Facsimile: (312) 730-1576, Email: OCR.Chicago@ed.gov

Continuous Notice Requirements:

Title IX, Section 504, and Title II regulations require that notices of nondiscrimination be made on a continuous basis. All recipients must implement specific and continuing steps to notify:

- Students and parents
- Employees
- Applicants for admission and employment
- Sources of referral of such applicants
- Unions with collective bargaining agreements
- Participants, beneficiaries, and applicants, including persons with impaired vision and/or hearing

The continuous notice of nondiscrimination must include all of the protected classes; the name, title, address, telephone number and email address of person(s) designated to coordinate Title IX and Section 504 compliance; and the district's grievance procedure. Continuous notice requirements may be met by prominently publishing the nondiscrimination statement in:

- District website and electronic publications
- Newsletters
- Local newspapers
- District publications
- Written materials distributed to students and prospective students
- Notices posted on campus
- Announcements
- Bulletins
- Course Catalog
- Job Application form
- Recruitment materials
- Publications containing general information
- School calendar/planner
- Staff, student, parent and coaches' handbooks
- Registration materials
- Workplace based learning program contracts

If the district/agency's service area contains a community of national origin minority persons with limited English language skills, the annual notice must be disseminated to that community in its language and state that recipients will take steps to assure that the lack of English language skills will not be a barrier to admission and participation in the recipient's CTE programs.

It is best practice to post the continuous notice on the district website. The notice must appear prominently on the home page or within one click on an obvious link (i.e., Equity or Nondiscrimination tab.)

Sample Continuous Notification of Nondiscrimination Policy Statement:

The notice shall include:

It is the policy of the [*Name of District*] Community School District not to discriminate on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices. There is a grievance procedure for processing

complaints of discrimination. If you have questions or a grievance related to this policy please contact the district's Equity Coordinator, Name, Title, Address, Phone Number, E-mail Address

(The notice may include): Director of the Office for Civil Rights U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-7204, Telephone: (312) 730-1560 Facsimile: (312) 730-1576, Email: OCR.Chicago@ed.gov

Resources:

Contact Margaret Jensen Connet, Equity Consultant, Iowa Department of Education at Margaret.jensenconnet@iowa.gov or 515-281-3769 with comments or questions regarding nondiscrimination notification requirements.

Link to Notice of Nondiscrimination guidance from the Office for Civil Rights, U.S. Department of Education: <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.pdf>

Nondiscrimination Policy and Statement Review

Programs	Policy#	Policy#	Employment	Policy#	Policy#	Policy#	Bullying/Harassment	Policy#
Race			Race				Actual or perceived:	
Color			Color				Age	
National origin			National origin				Color	
Sex			Sex				Creed	
Sexual orientation			Disability				National origin	
Gender identity			Age				Race	
Marital status			Religion				Religion	
Creed			Creed				Marital status	
Disability			Sexual orientation				Sex	
Religion			Gender identity				Sexual orientation	
Socioeconomic status							Gender identity	
							Physical attributes	
							Physical or mental ability...	
							Ancestry	
							Political party preference	
							Political belief	
							Socioeconomic status	
							Familial status	

	Required	Examples of major written publications											
Nondiscrimination Notification Statement	Annual notification	Parent handbk	Parent handbk	Parent handbk	Student handbk	Student handbk	Student handbk	Employee handbk	Registr handbk	Coach Handbk	Brochure	Website	School newsltr
Race													
Color													
Sex													
Disability													
Religion													
Creed													
Age (for employment)													
Marital status (for programs)													
Sexual orientation													
Gender identity													
Socioeconomic status (for programs)													

Notifications Include:	Annual notification	Parent handbk	Parent handbk	Parent handbk	Student handbk	Student handbk	Student handbk	Employee handbk	Registr handbk	Coach Handbk	Brochure	Website	School newsltr
Notification of the Nondiscrimination Policy													
Coordinators' name and contact information is included													
Information about the civil rights related grievance procedure is included													
Additional languages based on community													
Bullying and Harassment Policy and Forms													

Information from the Equity Document Review Checklist

Programs

Equal opportunity in programs is provided to all students regardless of race, color, national origin, gender (sex), sexual orientation, gender identity, marital status, socioeconomic status, disability, religion, or creed (**I.A.1.**). *281—IAC 12.1(1), Iowa Code 280.3*

Guidance:

The district must provide the following items:

- District and administrative policies regarding student access to educational programs (policies must address each of the 11 traits/characteristics)
- Civil rights grievance procedures
- Evidence that a district equity coordinator has been appointed
- A summary of activities conducted by the district's equity coordinator

If any of the listed evidence pieces is missing, the district will be considered out of compliance with this item.

Related IASB Sample Policies: 102 and 500 (both last updated 2015)

Employment

Policy on nondiscrimination in employment on the basis of race, color, national origin, gender, disability, age, religion, creed, sexual orientation, and gender identity (**I.A.2.**). *Title IX 34CFR 106.9 Section 504 34 CFR 104.8, Iowa Code 216.6*

Guidance:

Employment policies must address each of the 10 specified traits/characteristics.

IASB Sample Policies: 302.1, 303.2, 401.1, 405.2, 411.2 (all last updated 2015)

Harassment and Bullying

Policy prohibiting harassment and bullying of or by students, staff, and volunteers (**RD1.4**) which is based on actual or perceived age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status and which creates an objectively hostile school environment (**I.D.2.**). *281—IAC 12.3(13), Title IX Section 106.31, Iowa Code 280.28(3) and 729A.1*

Guidance:

Harassment and bullying is construed to mean any electronic, written, verbal, or physical act related to the specified traits or characteristics stated above. The local board policy must contain all of these 17 traits or characteristics, but does not need to be limited to these 17.

If a single policy is used, a reasonable person must be able to interpret the policy as covering student vs. student, student vs. staff, staff vs. staff, and staff vs. student issues.

IASB Sample Policy: 104 (last updated 2015)