

DRAFT UPDATE

Mid-Valley Special Education Cooperative

7:10

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Students

Equal Educational Opportunities

Equal educational and extracurricular opportunities shall be available for all students without regard to color, race, nationality, religion, sex, sexual orientation, ancestry, age, physical or mental disability, gender identity, status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy. Further, the Cooperative will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status, except that the Cooperative remains viewpoint neutral when granting access to school facilities under Board policy 8:20, *Community Use of School Facilities*. Any student may file a discrimination grievance by using Board policy 2:260, *Uniform Grievance Procedure*.

Sex Equity

No student shall, based on sex, sexual orientation, or gender identity be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.

Any student may file a sex equity complaint by using Board policy 2:260, *Uniform Grievance Procedure*. A student may appeal the Board's resolution of the complaint to the Regional Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8).

Administrative Implementation

The Executive Director shall appoint a Nondiscrimination Coordinator. The Executive Director and Building Principal shall use reasonable measures to inform staff members and students of this policy and grievance procedure.

LEGAL REF.: 42 U.S.C. §11431 et seq., McKinney Homeless Assistance Act.
20 U.S.C. §1681 et seq., 34 C.F.R. Part 106; Title IX of the Educational Education Amendments implemented by 34 C.F.R. Part 106.
29 U.S.C. §791 et seq., Rehabilitation Act of 1973.
775 ILCS 35/5, Religious Freedom Restoration Act.
Ill. Constitution, Art. I, §18.
Good News Club v. Milford Central School, 121 S.Ct. 2093 (2001).
105 ILCS 5/3.25b, 3.25d(b), 10-20.12, 10-22.5, and 27-1.
775 ILCS 5/1-101 et seq., *Illinois Human Rights Act*.
23 Ill.Admin.Code §1.240 and Part 200.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 7:20 (Harassment of Students Prohibited), 7:130 (Student Rights and Responsibilities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:330 (Student Use of Buildings - Equal Access), 8:20 (Community Use of School Facilities)

ADOPTED: May 2, 2012

Comment [APowell1]:

A new footnote has been added to this policy in response to inquiries from school board members for additional language to consider in their policies due to the spotlight on transgender issues. Please see the Update Memo for more information.

The new footnote is provided here for informational purposes.

New Footnote Information:

Adopting separate policies or inserting policy statements about accommodations and inclusion of transgender students in the educational program are unsettled areas of the law. Some lawyers believe doing so may open boards to equal protection challenges for not creating separate policies for other protected statuses, e.g., race, nationality, religion, etc.

Consult the board attorney if your board wishes to adopt a separate policy or insert policy statements about accommodations and inclusion of transgender students.

See 7:10-AP, *Accommodating Transgender Students or Gender Non-Conforming Students* for a case-by-case procedure that school officials may use when a student requests an accommodation based upon his or her gender identity.

For a list of policies that address the equal educational opportunities, health, safety, and general welfare of students within the District, see 7:10-E, *Equal Educational Opportunities Within the School Community*.

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Comment [AKL2]: The list of protected classifications now includes immigration status. The change is for clarification purposes. *Nationality* was and continues to be listed as a protected classification; it was intended to protect children from discrimination based on their immigration status. ISBE states that "no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (*Pivler v. Doe*, 457 U.S. 202 (1982))."
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