

Superintendent Procedure 3210SP.A

**Non-Discrimination in Academic, Athletics, and Activities Programs**



Approved by: \_\_\_\_\_

*J. Enfield*

Date: 4-4-12

**A. INTRODUCTION**

Seattle Public Schools ("District") is committed to provide equal opportunity and treatment for all District students, and is committed to nondiscrimination in all aspects of the District's academic, athletic, and activities programs. Discrimination has no place in District schools, and the District prohibits discrimination on the basis of any of the following categories: sex (gender); race; creed; color; religion; ancestry; national origin; age; economic status; sexual orientation including gender expression or identity; pregnancy; marital status; physical appearance; the presence of any sensory, mental or physical disability; honorably discharged veteran or military status; or the use of a trained dog guide or service animal by a person with a disability.

The Superintendent, in compliance with federal and state regulations and Board Policy 3210, has established this procedure for ensuring nondiscrimination and equal opportunity and treatment for all District students.

**B. COUNSELING AND GUIDANCE SERVICES**

The District will not engage in discrimination in the counseling or guidance of any student on the basis of a student's membership of one or more of the protected categories listed in this procedure. The District will devise and use materials, orientation programs, and counseling techniques that will encourage participation in all school programs and courses of study without regard to a student's membership of a protected category.

The District will develop and use internal procedures for ensuring that all tests and appraisal instruments related to guidance counseling, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement do not discriminate on the basis of one or more of the protected categories listed in this procedure. The District will ensure that tests and appraisal instruments are educationally sound indicators of a student's particular needs and achievement level in order to avoid student assignment to inappropriate courses. If the District concludes that the use of such instruments, materials, or programs results in a substantially disproportionate number of students who are members of one of the protected categories listed in this procedure to be placed in any particular course of study or classification, the District will immediately act to assure that such disproportion is not the result of discrimination in the instrument, material, or its application.

Where the District finds that a particular course of study or class contains a substantially disproportionate number of students who are members of one or more

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Cross Reference: Policy Nos. 2020; 2030; 2140; 2150; Superintendent Procedure 3210SP.B

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protected categories listed in this procedure, the District will immediately act to assure that such disproportion is not the result of discrimination on the basis of the students' membership in those protected categories in tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement by counselors.

1. *Sex discrimination - Duty of Certificated and Classroom Personnel*

All certificated and classroom personnel shall encourage students to explore and develop their individual interests in career and vocational technical programs and employment opportunities without regard to sex, including reasonable efforts to encourage students to consider and explore "nontraditional" occupations for men and women.

The District will provide all certificated and classroom personnel with access to an educational staff associated (ESA) certificated school counselor or such other appropriate person designated by the Superintendent to coordinate compliance with this procedure.

C. RECREATION AND ATHLETIC ACTIVITIES

No person shall be excluded from participation in, be denied the benefits of, or otherwise be discriminated against in any interscholastic, club, or intramural athletics or recreational activity offered by the District on the basis of his or her membership of one of the protected categories listed in this procedure, and the District shall not provide any such athletics or recreational activity separately on this basis.

1. *Sex discrimination - Equal Opportunities - Separate Teams*

Sports teams and programs offered by the District shall be equally open to participation by qualified members of both sexes.

District schools offering sports and recreational activities for students in grades 7 through 12 may maintain separate teams for members of each sex if:

- a. It can clearly be shown, under factual circumstances involved in the particular case, that the maintenance of separate teams for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in the sports or games of their choice; and
- b. There is substantial equality between the two programs.

For purposes of this procedure, "substantial equality" is determined by considering factors including, but not limited to, the following:

- a. The relationship between the skill and compensation of coaching staffs;
- b. The size of their budgets;
- c. The quality of competition and game schedule;
- d. Uniforms;
- e. Equipment and facilities; and
- f. Sufficient numbers of participants to warrant separate teams.

## *2. Program Evaluation*

The District will evaluate its recreational and athletic program at least once each year to ensure that equal opportunities are available to members of both sexes in District interscholastic, club or intramural athletics. In determining whether equal opportunities are available to members of both sexes with respect to interscholastic, club or intramural athletics, the District will consider several factors, including but not limited to the following:

- a. Whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes;
- b. The provision of equipment and supplies;
- c. The scheduling of games and practice times including the use of playfields, courts, gyms, and pools;
- d. Transportation and per diem allowances, if any;
- e. The opportunity to receive coaching and academic tutoring;
- f. The assignment and compensation of coaches, tutors, and game officials;
- g. The provision of medical and training facilities and services including the availability of insurance;
- h. The provision of housing, laundry, and dining facilities and services, if any; and
- i. Publicity and awards

## *3. Elementary and Secondary Level*

The District will provide equal opportunity and encouragement for physical and skill development to all students in the elementary and secondary grades consistent with this procedure.

## *4. Student interest –Required survey instrument*

At least once every three (3) years, the District will administer a survey instrument at all grade levels where interscholastic, intramural and other sports and recreational activities are conducted. The District will consider the results of the survey in the program planning and development in the area of recreational and athletic activities offered within the District.

The District, in providing athletic facilities for members of one sex (including showers, toilets, and training room facilities for athletic purposes), will provide comparable facilities for members of the opposite sex. Such facilities may be provided as either separate facilities, or will be scheduled and used separately by members of each sex.

## **D. COURSE OFFERINGS**

The District will not provide any course or otherwise carry out any of its education programs or activities separately on the basis of any of the protected categories listed in

this procedure, or require or refuse participation therein by any of its students on such basis.

This section, however, does NOT prohibit District schools from:

1. Grouping students in physical education classes and activities by demonstrated ability as assessed by objective standards of individual performance developed and applied without regard to sex.
2. Separating students by sex within physical education classes or activities offered for students in grades 7 through 12, if it can be shown that:
  - a. The maintenance of separate teams for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in the sports or games of their choice; and
  - b. There is substantial equality between the two programs.
3. Separating sessions for boys and girls with respect to those portions of classes which deal exclusively with human sexuality;
4. Offering classes and/or activities which may establish or maintain requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex; and
5. Offering classes, courses or placement of students based on the student's individual language skill development and/or based on the student's needs as identified in the student's individualized education program.

E. TRAINING

The District will, where appropriate, include discrimination and bias awareness and elimination training sessions for certificated and/or classroom personnel.