

## Santa Barbara County Special Education Local Plan Area

### **SELPA Policy: Nondiscrimination in Employment**

(4030 BP)

The Santa Barbara County SELPA JPA Board is determined to provide a safe, positive environment where all SELPA employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy and accompanying administrative regulation, employees include interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the SELPA.

No SELPA employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of one, or a combination of two or more, protected characteristics which include, but may not be limited to, the employee's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status; or association with a person or group with one or more of these actual or perceived characteristics.

The SELPA shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that such inquiry is necessary to comply with federal immigration law.

In addition, unless otherwise provided for in law, the SELPA may not discriminate against an employee in any term or condition of employment, or otherwise penalize a person, including termination, based on the person's use of cannabis off the job and away from the workplace, or on a drug screening which finds that the person has nonpsychoactive cannabis metabolites in the person's hair, blood, urine, or other bodily fluid. However, the SELPA retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job.

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is offensive and so severe or pervasive as to adversely affect an employee's employment opportunities or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code section 12940 or Title 2 of the California Code of Regulations sections 11006-11086, such as:
  - a. Sex discrimination based on one, or a combination of two or more protected characteristics, which include, but may not be limited to, an employee's pregnancy, childbirth, breastfeeding, or any related medical condition, or on an employee's gender, gender

expression, gender identity, or sexual orientation

- b. Religious creed discrimination based on an employee's religious belief, observance, and practice, including religious dress or grooming practices, or based on the SELPA's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
- c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
- d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee
- e. Requiring an employee to disclose information relating to the employee's reproductive health decision-making
- f. Including a statement in a job advertisement, posting, application, or other material that an applicant is required to have a driver's license, unless the SELPA reasonably expects driving to be one of the job functions for the position and reasonably believes that satisfying the job function using an alternative form of transportation would not be comparable in travel time or cost to the SELPA

The JPA Board also prohibits retaliation against any SELPA employee who opposes any discriminatory employment practice by the SELPA or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the SELPA's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted.

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to file a claim against the SELPA or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the SELPA Executive Director within one workday. All other employees shall report such incidents to their supervisor or designated SELPA Executive Director within one workday.

The SELPA Executive Director shall use all appropriate means to reinforce the SELPA's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the SELPA's policies and regulations regarding discrimination. The SELPA Executive Director shall regularly review the SELPA's employment practices and, as necessary, shall take action to ensure SELPA compliance with the nondiscrimination laws.

Any SELPA employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of

this policy shall be subject to disciplinary action, up to and including dismissal.

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in the SELPA's Title IX policies and administrative regulations.

The SELPA shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the SELPA is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated.

### **United States Constitution**

First Amendment                      Free Exercise, Free Speech, and Establishment Clauses

### **United States Code**

20 U.S.C. 1681 *et seq.*                      Title IX of the Education Amendments of 1974  
29 U.S.C 201 *et seq.*                      Fair Labor Standards  
29 U.S.C. 621 *et seq.*                      Age Discrimination in Employment  
29 U.S.C. 794                      Section 504 of the Rehabilitation Act of 1973  
42 U.S.C. 12101 *et seq.*                      Americans with Disabilities Act; Equal Opportunity for Individuals with Disabilities  
42 U.S.C. 1981 *et seq.*                      Civil Rights Act of 1964  
42 C.F.R. 2000ff *et seq.*                      Prohibiting Employment Discrimination on the Basis of Genetic Information  
42 U.S.C. 2000gg *et seq.*                      Pregnant Worker Fairness  
42 U.S.C. 6101 *et seq.*                      Age Discrimination Act of 1975

### **Code of Federal Regulations**

28 C.F.R. 35.101-*et seq.*                      Americans with Disabilities Act  
29 C.F.R. Part 1636                      Pregnant Workers Fairness Act  
34 C.F.R. 100.1 *et seq.*                      Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Education Effectuation of Title VI of the Civil Rights Act of 1964  
34 C.F.R. Part 104                      Section 504 of the Rehabilitation Act of 1973; Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance  
34 C.F.R. Part 106                      Title IX of the Education Amendments of 1974; Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance  
34 C.F.R. Part 110                      Age Discrimination Act of 1975; Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance

### **California Constitution**

Article 1, Section 1                      Inalienable Rights

### **California Code**

Civil Code 51.7	Ralph Civil Rights Act of 1976
Education Code 200 <i>et seq.</i>	Educational Equity
Government Code 11135	State Agencies: Discrimination
Government Code 12900 <i>et seq.</i>	California Fair Employment and Housing Act
Government Code 12940 <i>et seq.</i>	Discrimination Prohibited
Government Code 12960 <i>et seq.</i>	Discrimination Prohibited: Enforcement and Hearing Procedures
Labor Code 79 <i>et seq.</i>	Division of Labor Standards Enforcement
Labor Code 1030 <i>et seq.</i>	Lactation Accommodation
Labor Code 1197.5	Wages
Penal Code 422.55 <i>et seq.</i>	Of Crimes and Punishments: Civil Rights, including Hate Crimes

**California Code of Regulations**

2 C.C.R. 11005 <i>et seq.</i>	Discrimination in Employment
5 C.C.R. 4900 <i>et seq.</i>	Nondiscrimination in Elementary and Secondary Educational Programs Receiving State or Federal Financial Assistance

APPROVED: June 1, 2026