

POLICY AC

Related Entries: AC-R, IHB, JICK, JBB
Responsible Office: Superintendent

Non-Discrimination, Equity, and Cultural Proficiency

I. PURPOSE

To affirm the Board of Education's commitment to have the school district fully and lawfully comply with all federal, state, and local nondiscrimination and anti-retaliation laws.

To assert the Board's belief that each and every student, and his or her family, matters, and in particular, that educational outcomes should never be predicated by any individual's actual or perceived personal characteristics, and that equity demands intensive focus and attention to eliminate all gaps in student achievement.

To establish and promote a framework that conveys high expectations that fosters positive learning environments that embraces the unique and individual differences of each student.

To affirm the Board's unwavering commitment that all staff will be culturally proficient and demonstrate mutual respect without regard to any individual's actual or perceived personal characteristics.

II. BACKGROUND

The Board of Education deems unlawful discrimination and retaliation as unacceptable. The Board of Education regards such behavior as grave threats to the ability of the School District to discharge its responsibilities to all its students and staff. The Board further believes that learning and working environments free from unlawful discrimination and retaliation should exist for all students and staff in every school and department.

The Board recognizes that equity requires proactive steps be taken to identify and redress implicit biases and structural and institutional barriers that too often have resulted in identifiable groups of students and staff being unjustifiably or disproportionately excluded from, or underrepresented, in key educational program areas and sectors of the workforce, as well as inequities that students and staff experience because of their actual or perceived personal characteristics.

III. DEFINITIONS

For the purposes of this policy, the following definitions are used:

8. *Personal Characteristics* include race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations.
9. *Cultural proficiency* is the ongoing process of becoming knowledgeable of ones' own culture, as well as the cultures of others in order to foster an appreciation, understanding, and respect for varying cultural expressions that exist in the action and interactions of an organization; and, to strengthen and enrich the organization and the community at large with the presence and contributions of many cultures.
10. *Discrimination* includes actions that are motivated by an invidious intent to target individuals based on their actual or perceived personal characteristics, as well as acts of hate, violence, insensitivity, disrespect, or retaliation – such as verbal abuse, harassment, bullying, slurs, threats, physical violence, vandalism, or destruction of property – that impede or affect the learning or work environment. Discrimination encompasses racism, sexism, and other forms of institutional prejudices in all their manifestations.
11. *Equity* is the commitment to ensure that every student and staff member, without regard to their actual or perceived characteristics, is given the individual challenges, support, and opportunities to exceed a rigorous common standard in order to be prepared for academic and career success.
12. *Implicit bias* refers to the attitudes or stereotypes that affect our understanding, actions, and decisions. These biases, which encompass both favorable and unfavorable assessments, may be activated involuntarily and without an individual's awareness of intentional control.

IV. POSITION

1. The Las Cruces Public Schools will not discriminate on the basis of race, color, sex, religion, national origin, spousal affiliation, age, physical or mental disability, serious medical condition, gender identity, or sexual orientation in employment or in its programs or activities and provides equal access to Boy Scouts and other designated youth groups.
2. The district shall provide an annual non-discrimination notice to the community as required by Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. Questions, complaints, or requests for additional information regarding these laws may be forwarded to the Superintendent's designated compliance coordinator(s).

3. The U.S. Equal Employment Opportunity Commission (EEOC) allows all employers to take all actions necessary to comply with the requirements of the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C § 12101 et seq. In addition, the district is required under law to all action necessary to comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (“USERRA”), 38 U.S.C. § 4301 et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 706; New Mexico Workers’ Compensation Act, N.M. Stat. Ann. § 52-1-1 et seq. (1978); Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C. § 201 et seq. and the Family Medical Leave Act of 1993 (FMLA), 29 U.S.C. §2601, et seq. These obligations are not subject to bargaining under any collective bargaining agreement.
4. Violation of this policy by any employee shall subject such employee to discipline, including termination or discharge.
5. The district will develop and promote a culture of high expectations for all students and staff performance that will eliminate inequities of opportunities, raise the level of achievement for all students, and significantly address achievement gaps.
6. The Board’s expectation is that all students and staff conduct themselves in a manner that demonstrates mutual respect without regard to an individual’s actual or perceived personal characteristics.
7. The Board commits to modeling the expectations in this policy and expects all Board and Las Cruces Public Schools reports, presentations, and decision making to take into account the equity implications of this policy.
8. The Board is committed to addressing disparities in levels of success to factors critical to the success of all students, including:
 - a. Resources, including challenging and creative courses, program and extracurricular activities;
 - b. Effective and qualified teachers;
 - c. Adequate facilities and equipment;
 - d. Updated technology;
 - e. Quality educational materials in a language appropriate to the needs of the student; and
 - f. Sufficient funding.

This commitment is, and must continue to be, evident in how resources are allocated, including an intentional strategy of providing additional funding to students in greater need, as well as to schools that serve large number of students in need.

9. The Board of Education expects the equitable administration of disciplinary consequences as one of the essential components of equitable access to educational opportunities in schools.
10. LCPS will encourage all students to pursue their goals and interests, without regard to historical barriers or stereotypes. Students will be provided wide access to various and multiple opportunities to enroll in challenging programs and participate in a wide variety of school activities, including athletics, extracurricular, and non-academic programs, to enrich their perspectives and to prepare for meaningful and fulfilling work in their chosen careers.
11. LCPS will provide a culturally responsive Pre-Kindergarten to Grade 12 curriculum that promotes equity, respect, and civility among our diverse community, accurately depicts and represents the distinctive contributions of our global community and provides opportunities for staff and students to model cultural proficiency in every school and program. The curriculum shall enable staff to model and students to develop the following attitudes, skills, and behaviors:
 - a. Value one's heritage and the heritage of others;
 - b. Respect, value, and celebrate diversity as an essential component of a health and thriving community;
 - c. Value the richness of cultural pluralism and commonality;
 - d. Develop and promote inclusive relationships and work effectively in cross-cultural environments; and
 - e. Confront and eliminate stereotypes related to individuals' actual or perceived personal characteristics and dress.
12. Instructional materials used in the Las Cruces Public Schools will reflect the diversity of the global community, the aspirations, issues, and achievements of women, persons with disabilities, and persons from diverse racial, ethnic, and cultural backgrounds.
13. The Las Cruces Public Schools will continue to monitor and support a diverse workforce and take appropriate action to create a district free of implicit bias and discrimination in respect to all aspects of employment.
14. Any employee who feels that he/she has been and/or is being discriminated against in violation of the school district's anti-discrimination policies, including any employee who feels he/she has been and/or is being sexually harassed or has inquiries concerning the scope and application of the school district's anti-discrimination policies with regard to his/her employment shall submit complaints and/or inquiries to:

Director of Human Resources
Las Cruces Public Schools

505 South Main Street, Suite 249
Las Cruces, New Mexico 88001
(575) 527-5976

15. Nothing in this policy prohibits the submission of inquires or complaints directly to the Superintendent of Schools.
16. Retaliation is prohibited against any employee who has made inquiries or complaints under this policy or has opposed any unlawful employment practice, or because he/she has made a charge, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. Any retaliation in violation of this policy by any employee shall subject such employee to discipline, including termination or discharge.
17. The Superintendent shall promulgate a regulation for the enforcement of this policy, which also includes monitoring and assuring of the school district's compliance with federal, state, and local nondiscrimination laws with regard to employment.

V. REVIEW

This Policy will be reviewed on an ongoing basis in accordance with the Board of Education's review process.



Approved, Board of Education, President

1/25/19

Date

Legal Reference: N.M. Stat. Ann. § 28-1-1 *et seq.* (1978); 42 U.S.C. § 2000e-2(a)(1); 42 U.S.C. § 2000e-3(a); 42 U.S.C. § 12101-12213; 29 U.S.C. § 621 *et seq.*; 20 U.S.C. § 1681; 38 U.S.C. § 4301 *et seq.*; 29 U.S.C. § 706; N.M. Stat. Ann. § 52-1-1 *et seq.* (1978); 29 U.S.C. § 2601, *et seq.*; 29 U.S.C. § 206(d); 29 U.S.C. § 201 *et seq.*

History: Formerly Policy 204 and Policy 333. Revised 11.01.05; Revised 10.16.12 (per Cuddy), Revised 9.24.18