



A NEWSLETTER FROM THE LAW FIRM OF FERRARA, FIORENZA, LARRISON, BARRETT & REITZ, P.C.

Route to: Board  Personnel  Instruction  PPS  Business  Other: \_\_\_\_\_

**\*\*\*Special Clients and Friends Alert\*\*\***

## Review Non-Discrimination Notice Language Before OCR Does

Various federal statutes and regulations require school districts and BOCES to post non-discrimination notices on their websites and on various types of documents. The U.S. Department of Education, New York Office for Civil Rights (OCR) has recently pursued complaints against BOCES around the state over deficient non-discrimination notice language.

In August of 2010 OCR published a model non-discrimination notice, which it advised was sufficient to comply with federal law. Legal counsel for OCR has since stated that OCR's 2010 model non-discrimination notice guidance is inadequate to insure compliance with federal law. Hence, do not conclude that your school's notice language is adequate just because it mirrors OCR's 2010 model notice language.

In order to reduce the likelihood that your school district or BOCES will find itself subject to an OCR complaint relating to its non-discrimination notice language, we recommend that our clients immediately review their non-discrimination notice language to ensure that it fully complies with federal law.

We believe the following model notice language would likely be found to be acceptable by OCR:

### Non-discrimination policy

The \_\_\_\_\_ [insert name of school district/BOCES] does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs, activities, employment, and admissions; and provides equal access to the Boy Scouts and other designated youth groups.

The following person has been designated to handle inquiries regarding the non-discrimination policies: \_\_\_\_\_ [insert name], compliance officer/coordinator, at \_\_\_\_\_ [insert compliance officer's email address, telephone number and street address]. Inquiries concerning the application of the \_\_\_\_\_ [insert name of school district/BOCES] non-discrimination policies may also be referred to the U.S. Department of Education, Office for Civil Rights (OCR), 32 Old Slip, 26th Floor, New York, NY 10005, telephone (646) 428-3800 (voice) or (800) 877-8339 (TTY).

If you have any questions or would like us to assist you with reviewing and updating materials, please feel free to contact Charles E. Symons, Esq. at our Syracuse office.

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