



# Education Equity

## 2023-24 Program Instrument

California Department of Education  
July 2023

### I. Involvement

#### EE 01: Prohibition of Discrimination, Harassment, Intimidation, and Bullying

- 1.0 The local educational agency (LEA) shall have a policy that prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. The policy shall include a statement that it applies to all acts related to school activity or school attendance within a school under the jurisdiction of the superintendent of the school district.  
(California *Education Code (EC)* Sections 220, 234.1(a), and 260; California *Penal Code (PC)* Section 422.55; *California Code of Regulations*, Title 5 (5 *CCR*) Section 4900, 4902, and 4960; *Code of Federal Regulations*, Title 34 (34 *CFR*) Section 106.8(a))
- 1.1 The LEA's nondiscrimination, harassment, intimidation, and bullying policies shall be readily accessible in a prominent location on the LEA's existing internet website in a manner that is easily accessible to parents/guardians and pupils.  
(EC Section 234.6(b)(8))
- 1.2 The LEAs shall post a link to statewide resources, including community-based organizations, which shall be readily accessible in a prominent location on the LEA's existing internet website in a manner that is easily accessible to parents/guardians and pupils. The LEA shall also include any additional information deemed important for preventing bullying and harassment. (EC Section 234.6(b)(11-12))
- 1.3 The LEA shall adopt procedures for preventing acts of bullying, including cyberbullying. (EC Section 234.4(a))

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- (a) The LEA's anti-cyberbullying procedures shall be readily accessible in a prominent location on the LEA's existing internet website in a manner that is easily accessible to parents/guardians and pupils. (EC Section 234.6(b)(9))
- (b) The website shall also include a section on social media bullying that includes all of the following references to possible forums for social media bullying:
  - i. Internet websites with free registration and ease of registration.
  - ii. Internet websites offering peer-to-peer instant messaging.
  - iii. Internet websites offering comment forums or sections.
  - iv. Internet websites offering image or video posting platforms.

(EC Section 234.6(b)(10))

- 1.4 The LEA shall include any additional information on its webpage that it deems important for preventing bullying and harassment on its bullying website. (EC 234.6(b)(12))
- 1.5 If the LEA has a policy on preventing and responding to hate violence as described in EC 233, the policy shall be readily accessible in a prominent location on the LEA's existing internet website in a manner that is easily accessible to parents/guardians and pupils. (EC 234.6(b)(7))
- 1.6 The LEA must have an implemented complaint process to receive and investigate complaints of discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics, and shall include, but not be limited to, all of the following:
  - (a) A requirement that if school personnel witnesses an act of discrimination, harassment, intimidation, or bullying they shall take immediate steps to intervene when safe to do so.
  - (b) A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the district.
  - (c) An appeal process afforded to the complainant in the case of a disagreement with the resolution of a complaint filed.

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(d) All forms created relative to this process shall be translated pursuant to *EC* Section 48985.

(*EC* Section 234.1(b); 5 *CCR* Section 4900, 4960(a) ;34 *CFR* Section 106.8(c))

- 1.7 The LEA must publicize adopted policies that prohibit discrimination, harassment, intimidation, and bullying, including information about the manner in which to file a complaint, to pupils, parents/guardians, employees, the governing board, and the general public. The information shall be translated pursuant to *EC* section 48985. LEAs shall also include a notice of nondiscrimination policies in any publications used in connection with the recruitment of pupils or employees. The LEA must identify the officer responsible for nondiscrimination and education equity compliance in such publicity. (*EC* Section 234.1(c); 5 *CCR* Sections 4960(b) and 4961; *Code of Federal Regulations*, Title 34, (34 *CFR*) Section 106.8(b))
- (a) If 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 to 12, inclusive, speak a single primary language other than English, all notices, reports, statements, and records sent to the parent/guardian of any such pupil by the LEA shall, in addition to being written in English, be written in the primary language, and may be responded to in either English or primary language. (*EC* Section 48985(a))
- 1.8 The LEA must post the established policies prohibiting discrimination, harassment, intimidation, and bullying in all schools and offices, which include staff lounges and pupil government meeting rooms. (*EC* Section 234.1(e); 5 *CCR* Section 4960(b))
- 1.9 The LEA shall maintain documentation of complaints and their resolution must be maintained for a minimum of one review cycle. (*EC* Section 234.1(f))
- 1.10 The LEA shall ensure that all complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, or bullying remains confidential, as appropriate. (*EC* Section 234.1(g))
- 1.11 The LEA shall identify a responsible LEA officer for ensuring compliance with nondiscrimination in educational equity. (*EC* Section 234.1(h); 5 *CCR* Section 4961). (34 *CFR*) Section 106.8(a))
- 1.12 The LEA has provided, incident to the publicizing of policies against discrimination, harassment, intimidation and bullying described in *EC* Section 234.1(c), to certificated school site employees who serve pupils in any of grades 7 to 12, inclusive, who are employed by the LEA, information on existing school site and community resources related to the support of LGBTQ pupils, or related to the support of pupils who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation.

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(a) School site resources may include, but are not limited to, peer support or affinity clubs and organizations, safe spaces for LGBTQ, or other at-promise pupils, counseling services, staff who have received anti-bias or other training aimed at supporting these pupils or who serve as designated support to these pupils, health and other curriculum materials that are inclusive of, and relevant to, these pupils, online training developed pursuant to *EC* Section 32283.5, and other policies adopted pursuant to this article, including related complaint procedures.

(b) Community resources may include, but are not limited to, community-based organizations that provide support to LGBTQ, or other at-promise pupils and their families, and physical and mental health providers with experience or training in treating or supporting these pupils. (*EC* Section 2341(d))

### Confirmation Statements

Abbreviation: CnfrmtnSttmnts

Description: Statement on LEA letterhead, signed by the LEA's Superintendent certifying required actions taken by LEA regarding policies and procedures.

Item Instructions: EE 01: Statement regarding the nondiscrimination policy must include the following: 1) policy translated per EE 1.7(a); 2) policy posted in areas as specified at all school site(s) and district office(s) per EE 1.8; 3) and LEA's complaint and resolution records maintenance schedule per EE 1.9.

Related items: EE 01, EE 02, EE 04, EE 06

### Evidence Requests

#### Nondiscrimination Statement

Abbreviation: NndscrmntnStmnt

Description: Nondiscrimination statement used in all required publications and materials. The statement must contain the full designees contact information for the: (a) Title IX Coordinator(s), (b) Equity Compliance Officer(s) and, (c) 504 Coordinator(s).

Item Instructions: EE 01

Related Items: EE 01, EE 04, EE 05

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### Publicized Materials - Employees

Abbreviation: PblczdMtrlsEmplys

Description: Publications and other materials provided to employees that contain the LEA's complete nondiscrimination statement with the: (a) Title IX Coordinator(s), 504 Coordinator(s) and Equity Compliance Officer(s) contact information.

Item Instructions: EE 01: Materials must contain the complete pupil Nondiscrimination policy.

Related Items: EE 01, EE 04, EE 05

### Publicized Materials - Students and Parents/Guardians

Abbreviation: PblczdMtrlsStdntsPrntsGrdns

Description: Publications and other materials provided to pupils, parents/guardians that contain the LEA's complete nondiscrimination statement with the: (a) Title IX Coordinator(s), (b) 504 Coordinator(s) and, (c) Equity Compliance Officer(s) contact information.

Item Instructions: EE 01: Materials must contain the complete pupil Nondiscrimination policy.

Related Items: EE 01, EE 04, EE 05

### Pupil Complaints Policy and Procedures

Abbreviation: PplCmplntsPlcyPrcdrs

Description: Current Board policy and procedures, with approval/adoption date(s) Must include information related to the process for formal and informal complaints.

Item Instructions: Must include all protected characteristics under EE 1.0 and the full contact information for the: (a) Equity Compliance Officer(s) and, (b) Title IX Coordinator(s).

Related Items: EE 01

### Pupil Cyberbullying Procedure

Abbreviation: PplCybrblllyngPrcdr

Description: Current procedure, with approval/adoption date(s), which outlines the steps for addressing and resolving bullying and cyberbullying.

Item Instructions:

Related Items: EE 01

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### **Pupil Nondiscrimination, Harassment, and Intimidation Policy**

Abbreviation: PplNndscrmntnHrsmntIntmdtnPlcy

Description: Current Board policy and procedure, with approval/adoption date(s), prohibiting pupil discrimination, harassment (including sexual harassment), intimidation, and bullying. Policy must include all protected characteristics and the: (a) Title IX Coordinator(s) and, (b) Equity Compliance Officer(s) contact information.

Item Instructions:

Related Items: EE 01

### **School Site Resources for LGBTQ or Other At-Promise Pupils**

Abbreviation: SchlStRsrcLGBTQOthrAtPrmsPpls

Description: Existing school site resources provided to certificated staff related to the support of LGBTQ or other at-promise pupils.

Item Instructions: Review EE 1.12(a) for examples of School Site Resources.

Related Items: EE 01

### **Community Resources for LGBTQ or Other At-Promise Pupils**

Abbreviation: CmmntyRsrcLGBTQOthrAtPrmsPpls

Description: Existing community resources provided to certificated staff related to the support of LGBTQ or other at-promise pupils.

Item Instructions: Review EE 1.12(b) for examples of Community Resources.

Related Items: EE 01

### **Website Postings**

Abbreviation: WbstPstngs

Description: Provide legible screenshot(s) of the LEA's home page to landing page, show click path to each posting. Links must be in an easily, readily accessible, and prominent location (i.e., towards center of the page and not from a drop-down menu) on the LEA's home page. Weblinks alone are not acceptable.

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Item Instructions: EE 01: EE 1.1-1.5. Screenshots of website postings: 1) Pupil Nondiscrimination policy; 2) Anti-Cyber Bullying procedures, social media bullying section, and bullying information LEA deems important; 3) Statewide Resources (link: <https://www.cde.ca.gov/ls/ss/se/bullyres.asp>); and 4) Hate Motivation Behavior or Violence policy

Related Items: EE 01, EE 02, EE 03, EE 04

## II. Governance and Administration

### EE 02: Prohibition of Sexual Harassment

- 2.0 The LEA shall have a written policy on sexual harassment, which shall include information on where to obtain the specific rules and procedures for reporting charges of sexual harassment and for pursuing available remedies. A LEA should include its sexual harassment policy as part of its general nondiscrimination policies, rather than distributing it as a separate written document. (*EC Section 231.5 (b) and (c)*)
- 2.1 A copy of the written policy on sexual harassment shall be displayed in a prominent location in the main administrative building or other area of the campus or school site. "Prominent location" means that location, or those locations, in the main administrative building or other area where notices regarding the LEA's rules, regulations, procedures, and standards of conduct are posted. (*EC Section 231.5 (d)*)
- 2.2 The LEA shall provide a copy of the written policy to all pupils as part of any orientation program conducted for new and continuing pupils at the beginning of each quarter, semester, or summer session, as applicable. (*EC Section 231.5(e)*)
- 2.3 A copy of the LEA's written policy on sexual harassment shall be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired. (*EC Section 231.5(f)*)
- 2.4 A copy of the LEA's policy shall appear in any publication that sets forth the comprehensive rules, regulations, procedures, and standards for conduct for the LEA. (*EC Section 231.5(g)*)
- 2.5 The LEA's written policy on sexual harassment, as it pertains to pupils, shall be readily accessible in a prominent location on the LEA's existing internet website

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in a manner that is easily accessible to parents/guardians and pupils. (EC Section 234.6(b)(6))

- 2.6 The LEA shall maintain records of all complaints of sexual harassment brought by pupil and employees of the school district for a minimum of at least one review cycle. (EC Section 234.1(f))
- 2.7 The LEA, serving pupils in any grades 9 through 12, inclusive, shall create a poster that notifies pupils of the applicable written policy on sexual harassment. (EC Section 231.6(a))
- (a) The language in the poster shall be age appropriate and culturally relevant, and the LEA may partner with local, state, or federal agencies, or nonprofit organizations, for these purposes. (EC Section 231.6(c))
  - (b) The poster shall be displayed in English and any primary language spoken by 15 percent or more of the pupils enrolled at the school site as determined pursuant to Section 48985. (EC Section 231.6(d))
  - (c) The poster shall be no smaller than 8.5 by 11 inches and use at least 12-point font. (EC Section 231.6(e))
  - (d) The poster shall display, at a minimum, the following:
    - i. The rules and procedures for reporting a charge of sexual harassment;
    - ii. The name, phone number, and email address of an appropriate school site official to contact to report a charge of sexual harassment;
    - iii. The rights of the reporting pupil, the complainant, and the respondent, and the responsibilities of the school site in accordance with the applicable written policy on sexual harassment.(EC Section 231.6(f))
  - (e) The poster shall be prominently and conspicuously displayed in each bathroom and locker room at the school site. (EC Section 231.6(g)(1))
  - (f) The poster may be prominently and conspicuously displayed in public areas at the school site that are accessible to, and commonly frequented by, pupils, including but not limited to, classrooms, classroom hallways, gymnasiums, auditoriums, and cafeterias. (EC Section 231.6(g)(2)(A))

### Evidence Requests



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### Complaints Data

Abbreviation:	CmplntsDt
Description:	Data related to complaints involving students alleging discrimination in the previous twelve months. Do not upload complaints into CMT.
Item Instructions:	EE 02: Include sexual harassment complaints involving students. (1) Use blank form from FPM Box; (2) Fill in all information and ensure the information is complete; and (3) Link document and certify.
Related Items:	EE 02, EE 04, EE 05

### Confirmation Statements

Abbreviation:	CnfrmtnSttmnts
Description:	Statement on LEA letterhead, signed by the LEA's Superintendent certifying required actions taken by LEA regarding policies and procedures.
Item Instructions:	EE 02: Statement regarding the pupil Sexual Harassment policy must include the following: 1) Policy has been posted in prominent locations in compliance with identified sections in EE 2.1; 2) Complaint retention schedule per EE 2.6; and 3) Posting of sexual harassment posters per EE 2.7.
Related items:	EE 01, EE 02, EE 04, EE 06

### Employee Notification of Pupil Sexual Harassment Policy

Abbreviation:	EmplyNtfctnPpISxIHrsmntPlcy
Description:	Publications provided to employees which must include the complete pupil sexual harassment policy.
Item Instructions:	See EE 2.3 and 2.4.
Related Items:	EE 02

### Pupil Notification of Pupil Sexual Harassment Policy

Abbreviation:	PpINtfctnPpISxIHrsmntPlcy
Description:	Publications provided to pupils which must include complete pupil sexual harassment policy.

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Item Instructions: See EE 2.2.

Related Items: EE 02

### **Pupil Sexual Harassment Policy and Procedures**

Abbreviation: PpISxIHrsmntPlcyPrcdr

Description: Current Board policy, with approval/adoption date(s), and corresponding procedure/process.

Item Instructions: Include 1) pupil sexual harassment policy and 2) sexual harassment complaint policies and procedures.

Related Items: EE 02

### **Pupil Sexual Harassment Posters**

Abbreviation: PpISxIHrsmntPstrs

Description: PDF or Word version of (s) of the sexual harassment poster(s) posted at the school sites.

Item Instructions: The poster must include the requirements under EE 2.7(a-d).

Related Items: EE 02

### **Website Postings**

Abbreviation: WbstPstings

Description: Provide legible screenshot(s) of the LEA's home page to landing page, show click path to each posting. Links must be in an easily, readily accessible, and prominent location (i.e., towards center of the page and not from a drop-down menu) on the LEA's home page. Weblinks alone are not acceptable.

Item Instructions: EE 02: See EE 2.5. Screenshots of the Pupil Sexual Harassment Policy website postings.

Related Items: EE 01, EE 02, EE 03, EE 04

## **EE 03: Suicide Prevention and Pupil Safety**

3.0 The governing board or body of a LEA that serves pupils in grades 7 to 12, inclusive, shall, before the beginning of the 2017–18 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in grades 7 to 12, inclusive. The policy shall be developed in consultation with school and

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community stakeholders, school-employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention. (EC Section 215(a)(1))

- 3.1 The LEA's policy on pupil suicide prevention in grades 7-12, inclusive, shall be readily accessible in a prominent location on the LEA's existing internet website in a manner that is easily accessible to parents/guardians and pupils. (EC Section 234.6(b)(1))
- 3.2 The governing board or body of a LEA that serves pupils in kindergarten and grades 1 to 6, inclusive, shall, before the beginning of the 2020-21 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in kindergarten and grades 1 to 6 inclusive. The policy shall be developed in consultation with school and community stakeholders, the county mental health plan, school-employed mental health professional, and suicide prevention experts and shall, at a minimum, address procedures for related to suicide prevention, intervention, and postvention. (EC Section 215(a)(2)(A))
  - (a) The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be age appropriate and shall be delivered and discussed in a manner that is sensitive to the needs of young pupils. (EC Section 215(a)(2)(B))
  - (b) The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be written to ensure proper coordination and consultation with the county mental health plan if a referral is made for mental health or related services on behalf of a pupil who is a Medi-Cal beneficiary. (EC Section 215(a)(2)(C))
- 3.3 The LEA's policy on pupil suicide prevention in kindergarten and grades 1 to 6, inclusive, shall be readily accessible in a prominent location on the LEA's existing internet website in a manner that is easily accessible to parents/guardians and pupils and include a reference to the age appropriateness of the policy (EC Section 234.6(b)(2))
- 3.4 The policy shall specifically address the needs of high-risk groups, including, but not limited to, all of the following:
  - (a) Youth bereaved by suicide.
  - (b) Youth with disabilities, mental illness, or substance use disorders.
  - (c) Youth experiencing homelessness or in out-of-home settings, such as foster care.
  - (d) Lesbian, gay, bisexual, transgender, or questioning (LGBTQ) youth.(EC Section 215(a)(2))

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- 3.5 The policy shall be written to ensure that a school employee acts only within the authorization and scope of the employee's credential or license. Nothing in this section shall be construed as authorizing or encouraging a school employee to diagnose or treat mental illness unless the employee is specifically licensed and employed to do so. (*EC Section 215(a)(4)*)
- 3.6 The policy shall also address any training on suicide awareness and prevention to be provided to teachers of pupils in all of the grades served by the LEA. (*EC Section 215(a)(4)(A)*)
- (a) Materials approved by a LEA for training shall include how to identify appropriate mental health services, both at the school site and within the larger community, and when and how to refer youth and their families to those services. (*EC Section 215(a)(4)(B)*)
  - (b) Materials approved for training may also include programs that can be completed through self-review of suitable suicide prevention materials. (*EC Section 215(a)(4)(C)*)
- 3.7 On or before January 1, 2025, a local educational agency shall revise its training materials to incorporate best practices identified by the department in the department's model policy. (*EC Section 215(b)(3)*)
- 3.7 The governing board or body of a LEA that serves pupils in kindergarten and grades 1 to 12, inclusive, shall review, at a minimum every fifth year, its policy on pupil suicide prevention and, if necessary, update its policy. Nothing in this section shall prevent the governing board or body of a LEA from reviewing or updating its policy on pupil suicide prevention more frequently than every fifth year. (*EC Section 215(b-c)*)
- 3.8 Commencing July 1, 2019, a public school, including a charter school, or a private school, that serves pupils in any of grades 7 to 12, inclusive, and that issues pupil identification cards shall have printed on either side of the pupil identification cards the telephone number for the National Suicide Prevention Lifeline, 1-800-273-8255.
- (c) The LEA may also include one or more of the following on the back of pupil identification cards:
    - i. The Crisis Text Line, which can be accessed by texting HOME to 741741.
    - ii. A local suicide prevention hotline telephone number.
- (*EC Section 215.5(a)*)
- 3.9 Commencing October 1, 2020, a public school, including a charter school, or a private school, that serves pupils in any of grades 7 to 12, inclusive, and that

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issues pupil identification cards shall have printed on either side of the pupil identification cards the telephone number for the National Domestic Violence Hotline: 1-800-799-7233. (EC Section 215.5(a)(2))

### Evidence Requests

#### Pupil Identification Cards

- Abbreviation: PplldCrds
- Description: Sample of three pupil identification cards from different grade levels from each school under review showing the required suicide prevention and domestic violence information, under EE 3.8 and 3.9.
- Item Instructions: The photograph, name, and other personally identifiable information must be fully redacted.
- Related Items: EE 03

#### Suicide Prevention Board Policy

- Abbreviation: ScdPrvntnBrdPlcy
- Description: Current board policy or, policies for pupils in K-6, and 7-12 with approval/adoption date(s) relating to suicide prevention, intervention and postvention.
- Item Instructions: Board Policy for K-6 and 7-12 to include components under EE 3.0 – 3.6 and be on a revision schedule according to EE 3.7. Administrative Regulations or Exhibits not acceptable for submission. K-6 policy must be written at a 6<sup>th</sup> grade readability level or lower and, must be submitted with Flesh Kincaid readability level score.
- Related Items: EE 03

#### Suicide Prevention Materials

- Abbreviation: ScdPrvntnMtrls
- Description: Training materials, lesson plans, and/or presentations used to deliver and discuss suicide prevention with pupils in grades K-12.
- Item Instructions: Materials must be those referenced in the Agency's Suicide Prevention Board Policy.
- Related Items: EE 03

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### Website Postings

Abbreviation: WbstPstings

Description: Provide legible screenshot(s) of the LEA's home page to landing page, show click path to each posting. Links must be in an easily, readily accessible, and prominent location (i.e., towards center of the page and not from a drop-down menu) on the LEA's home page. Weblinks alone are not acceptable.

Item Instructions: EE 03: See EE 3.1 and 3.3. Include screenshots of the Pupil Suicide Prevention policy website posting. Must include K-6 and 7-12 board policies.

Related Items: EE 01, EE 02, EE 03, EE 04

### EE 04: Sex Discrimination and Title IX

4.0 The LEA shall post the following Title IX requirements in a prominent and conspicuous location on the LEA's existing webpage:

- (a) The name and contact information of the Title IX coordinator that public school, school district, county office of education, or charter school which shall include the Title IX coordinator's phone number and email address.
- (b) The rights of a pupil and the public and the responsibilities of public school, school district, county office of education, or charter school under Title IX, which shall include, but shall not be limited to, Internet Web links to information about those rights and responsibilities located on the Internet web sites of the department's Office for Equal Opportunity and the U.S. Department of Education (ED) Office of Civil Rights (OCR), and the list of rights specified in *EC* Section 221.8.
- (c) A description of how to file a complaint under Title IX, which must include all of the following:
  - i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred, and how a complaint may be filed beyond the statute of limitations.
  - ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including, but not limited to, Internet Web links to this information on the U.S. ED OCR's internet web site.

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- iii. An Internet web link to the U.S. ED OCR complaints form, and the contact information for the office, which shall include the phone number and email address for the office.

(EC Section 221.61(a), EC Section 234.6(b)(4)).

- 4.1 The LEA shall post a link to the CDE's Title IX information in a prominent location on the LEA's existing internet website in a manner that is easily accessible to parents/guardians and pupils. (EC Section 234.6(b)(5))
- 4.2 The LEA shall post a link to the definition of discrimination and harassment based on sex as described in Section 230. This shall include the rights set forth in Section 221.8. (EC § 234.6(b)(3)).
- 4.3 Every LEA must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX. The employee must be referred to as the "Title IX Coordinator." (34 CFR Section 106.8(a))
  - (a) The recipient must notify applicants for admission and employment, students, parents/guardians of elementary and secondary school pupils, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the LEA, of the name or title, office address, email address, and telephone number of the designated Title IX Coordinator(s). Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator. CFR Section 106.8(a))
- 4.4 The LEA must notify persons entitled to a notification under EE 4.3(a) of this section that the LEA does not discriminate on the basis of sex in the education program or activity it operates and that it is required by Title IX not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX to the LEA may be referred to the LEA's Title IX Coordinator, to the Office for Civil Rights Assistant Secretary, or both. (34 CFR Sections 106.8(b)(1))
- 4.5 The LEA must prominently display the contact information required to be listed for the Title IX Coordinator and the policy on its website, if any, and in each handbook or catalog that it makes available to persons entitled to a notification. (34 CFR Section 106.8(b)(2)(i))

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- 4.6 The LEA must not use or distribute a publication stating that the LEA treats applicants, pupils, or employees differently on the basis of sex as such treatment is permitted by Title IX. (34 CFR Section 106.8(b)(2)(ii))
- 4.7 With or without a formal complaint, a LEA with actual knowledge of sexual harassment in an education program or activity of the LEA against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A LEA is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. (34 CFR Section 106.44(a)-(b))

(a) A LEA's response must treat complainants and respondents equitably by:

- i. Offering supportive measures as defined in 34 CFR 106.30 (see below) to a complainant; and
- ii. Following a complaint process that complies with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined against a respondent. (34 CFR Section 106.44(a))

(1) "Supportive measures" mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the LEA's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the LEA's educational environment, or deter sexual harassment. (34 CFR Section 106.30).

(2) "Supportive measures" may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. (34 CFR Section 106.30)

(3) The LEA must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining as confidential would not impair the ability of the LEA to provide the supportive measures. (34 CFR Section 106.30)



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(b) The Title IX Coordinator must promptly contact the complainant to:

- i. Discuss the availability of supportive measures as defined in 34 CFR Section 106.30;
- ii. Consider the complainant's wishes with respect to supportive measures;
- iii. Inform the complainant of the availability of supportive measures with or without the filing a formal complaint; and
- iv. Explain to the complainant the process for filing a formal complaint.

(34 CFR Section 106.44(a))

4.8 In response to a formal complaint, the LEA must follow the complaint process that complies with 34 CFR 106.45. (34 CFR Section 106.44(b))

4.9 Nothing in this part precludes a LEA from removing a respondent from the LEA's education program or activity on an emergency basis, provided the LEA undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. (34 CFR Section 106.44(c))

4.10 A LEA must adopt and publish complaint grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action prohibited under Title IX and a complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the LEA will respond. These requirements only apply to sex discrimination against a person in the United States. (34 CFR Section 106.8(c) and (d))

(a) The complaint process must:

- i. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following the complaint process before the imposition of any disciplinary sanctions or other actions against a respondent. Remedies must be designed to restore or preserve equal access to the LEA's education program or activity. Such remedies may include the same individualized services described in 34 CFR Section(s) 106.30 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. (34 CFR Section 106.45(b)(1)(i))

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- ii. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness. (34 *CFR* Section 106.45(b)(1)(ii))
- iii. Require that any individual designated by a LEA as a Title IX Coordinator, investigator, decision-maker, or any person designated by a LEA to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. (34 *CFR* Section 106.45(b)(1)(iii))
- iv. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint process. (34 *CFR* Section 106.45(b)(1)(iv))
- v. Include a reasonably prompt timeframe for conclusion of the grievance process, including reasonably prompt timeframes for filing and resolving appeals and any informal resolution process if the LEA offers an informal resolution process, and a process that allows for the temporary delay of the complaint process or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. (34 *CFR* Section 106.45(b)(1)(v))
- vi. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the LEA may implement following any determination of responsibility. (34 *CFR* Section 106.45(b)(1)(vi))
- vii. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment. (34 *CFR* Section 106.45(b)(1)(vii))
- viii. Include the procedures and permissible bases for the complainant and respondent to appeal. (34 *CFR* Section 106.45(b)(1)(viii))
- ix. Describe the range of supportive measures available to complainants and respondents. (*CFR* Section 106.45(b)(1)(ix))

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- x. Not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege. (34 *CFR* Section 106.45(b)(1)(x))

(34 *CFR* Section 106.45(b)(1)(i)-(x))

4.11 Upon receipt of a formal complaint, a LEA must provide the following written notice to the parties who are known:

(a) Notice of the LEA's complaint process, including any informal resolution process. (34 *CFR* Section 106.45(b)(2)(i)(A))

(b) Notice of the allegations allegedly constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. (34 *CFR* Section 106.45(b)(2)(i)(B))

i. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will only be made at the conclusion of the complaint process. (34 *CFR* Section 106.45(b)(2)(i)(B))

ii. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. (34 *CFR* Section(s) 106.45(b)(2)(i)(B))

iii. The written notice must inform the parties of any provision in the LEA's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the complaint process. (34 *CFR* Section 106.45(b)(2)(i)(B))

(c) If, in the course of an investigation, the LEA decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the LEA must provide notice of the additional allegations to the parties whose identities are known. (34 *CFR* Section 106.45(b)(2)(ii))

4.12 The LEA must investigate the allegations in a formal complaint. (34 *CFR* Section 106.45(b)(3))

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- (a) If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in 34 *CFR* Section(s) 106.30 even if proved, did not occur in the LEA's education program or activity, or did not occur against a person in the United States, then the LEA must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such dismissal does not preclude action under another provision in the LEA's code of conduct. (34 *CFR* Section 106.45(b)(3)(i))
- (b) The LEA may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the LEA; or specific circumstances prevent the LEA from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. (34 *CFR* Section 106.45(b)(3)(ii))
- (c) Upon a dismissal required or permitted, pursuant to EE 4.12(a)(b), the LEA must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties. (34 *CFR* Section 106.45(b)(3)(iii))

(34 *CFR* Section 106.45(b)(3)(i-iii))

- 4.13 A LEA must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment in Section(s)106.30, the scope of the recipient's education program or activity, how to conduct an investigation and complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A recipient must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in EE 4.16 of this section. A recipient also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in EE 4.17(g) of this section. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. (34 *CFR* 106.45(b)(1)(iii))
- 4.14 A LEA may consolidate formal complaints as to allegations of sexual harassment against one or more respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations

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of sexual harassment arise out of the same facts or circumstances. (34 CFR Section 106.45(b)(4))

- 4.15 When investigating a formal complaint and throughout the complaint process, a LEA must:
- (a) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the LEA and not on the parties, provided that the LEA cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the LEA obtains that party's voluntary, written consent to do so for a complaint process under this section (if a party is not an "eligible student," as defined in 34 *CFR* 99.3, then the LEA must obtain the voluntary, written consent of a "parent," as defined in 34 *CFR* 99.3); (34 *CFR* Section 106.45(b)(5)(i))
  - (b) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. (34 *CFR* Section 106.45(b)(5)(ii))
  - (c) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence; (34 *CFR* Section 106.45(b)(5)(iii))
  - (d) Provide the parties with the same opportunities to have others present during any complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or complaint proceeding; however, the LEA may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; (34 *CFR* Section 106.45(b)(5)(iv))
  - (e) Provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate; (34 *CFR* Section 106.45(b)(5)(v))
  - (f) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the LEA does not intend to rely in reaching a determination

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regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the LEA must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The LEA must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and (34 CFR Section 106.45(b)(5)(vi))

- (g) Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. (34 CFR Section 106.45(b)(5)(vii))

(34 CFR Section 106.45(b)(5)(i-vii))

- 4.16 The LEA's complaint process may, but need not, provide for a hearing. With or without a hearing, after the LEA has sent the investigative report to the parties pursuant to paragraph EE 4.15(g) of this section and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. (34 CFR 106.45(b)(6)(ii))
- 4.17 The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the LEA must apply the standard of evidence described in EE 4.10(a)vii. (34 CFR 106.45(b)(7)(i))

- (h) The written determination must include:

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- i. Identification of the allegations potentially constituting sexual harassment as defined in Section(s)106.30; (34 CFR Section 106.45(b)(7)(ii)(A))
- ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (34 CFR Section 106.45(b)(7)(ii)(B))
- iii. Findings of fact supporting the determination; (34 CFR Section 106.45(b)(7)(ii)(C))
- iv. Conclusions regarding the application of the LEA's code of conduct to the facts; (34 CFR Section 106.45(b)(7)(ii)(D))
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the LEA imposes on the respondent, and whether remedies designed to restore or preserve equal access to the LEA's education program or activity will be provided by the LEA to the complainant; and (34 CFR Section 106.45(b)(7)(ii)(E))
- vi. The LEA's procedures and permissible bases for the complainant and respondent to appeal. (34 CFR Section 106.45(b)(7)(ii)(A-F))
  - (i) The LEA must provide written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the LEA provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. (34 CFR Section 106.45(b)(7)(iii))
  - (j) The Title IX Coordinator is responsible for effective implementation of any remedies. (34 CFR Section 106.45(b)(7)(iv))

### 4.18 Complaint determination appeals:

- (a) A LEA must offer both parties an appeal from a determination regarding responsibility, and from a LEA's dismissal of a formal complaint or any allegations therein, on the following bases: (34 CFR Section 106.45(8))
  - i. Procedural irregularity that affected the outcome of the matter; (34 CFR Section 106.45(b)(8)(i)(A))
  - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that

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could affect the outcome of the matter; (34 CFR Section 106.45(b)(8)(i)(B)) and

- iii. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. (34 CFR Section 106.45(b)(8)(i)(C))

(b) A LEA may offer an appeal equally to both parties on additional bases. (34 CFR Section 106.45(b)(8)(ii))

(c) As to all appeals, the LEA must:

- iv. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties; (34 CFR Section 106.45(b)(8)(iii)(A))
- v. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator; (34 CFR Section 106.45(b)(8)(iii)(B))
- vi. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in paragraph (b)(1)(iii) of this section; (34 CFR Section 106.45(b)(8)(iii)(C))
- vii. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; (34 CFR Section 106.45(b)(8)(iii)(D))
- viii. Issue a written decision describing the result of the appeal and the rationale for the result; (34 CFR Section 106.45(b)(8)(iii)(E) and
- ix. Provide the written decision simultaneously to both parties. (34 CFR Section 106.45(b)(8)(iii)(F))

4.19 A LEA may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, a LEA may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the LEA may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the LEA. (34 CFR Section 106.45(b)(9))

(a) Provides to the parties a written notice disclosing:



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- i. The allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the complaint process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; (34 CFR Section 106.45(b)(9)(i))
- (b) Obtains the parties' voluntary, written consent to the informal resolution process; (34 CFR Section 106.45(b)(9)(ii) and
- (c) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. (34 CFR Section 106.45(b)(9)(iii))

(34 CFR Section 106.45(b)(9)(i-iii))

4.20 A LEA must maintain for a period of seven years records of:

- (a) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under paragraph (b)(6)(i) of this section, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the LEA's education program or activity; (34 CFR Section 106.45(b)(10)(i)(a))
- (b) Any appeal and the result therefrom; (34 CFR Section 106.45(b)(10)(i)(B))
- (c) Any informal resolution and the result therefrom; (34 CFR Section 106.45(b)(10)(i)(C)) and
- (d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A LEA must make these training materials publicly available on its website, or if the LEA does not maintain a website the LEA must make these materials available upon request for inspection by members of the public. (34 CFR Section 106.45(b)(10)(i)(D))

34CFR Section 106.45(b)(10)(i)(A)-(D)).

4.21 For each response required under Section 106.44, a LEA must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the LEA must document the basis for its

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conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the LEA's education program or activity. If a LEA does not provide a complainant with supportive measures, then the LEA must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the LEA in the future from providing additional explanations or detailing additional measures taken. (34 CFR Section 106.45(b)(10)(ii))

- 4.22 All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public. (34 CFR 106.45(b)(10)(i)(D))

### Evidence Requests

#### Complaints Data

Abbreviation: CmplntsDt

Description: Data related to complaints alleging discrimination in the previous twelve months. Do not upload complaints into CMT.

Item Instructions: Include discrimination based on sex and Title IX complaints involving pupils. (1) Use blank form from FPM Box; (2) Fill in all information and ensure the information is complete; and (3) Link document and certify.

Related Items: EE 02, EE 04, EE 05

#### Confirmation Statements

Abbreviation: CnfrmtnSttmnts

Description: Statement on LEA letterhead, signed by the LEA's Superintendent certifying required actions taken by LEA regarding policies and procedures.

Item Instructions: EE 04: Statement regarding Title IX complaint and records retention policy per EE 4.20 and 4.21.

Related items: EE 01, EE 02, EE 04, EE 06

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### Job Description(s) (Title IX)

Abbreviation: JbDscrptnsTtlIX  
Description: A copy of the current job description(s) for the LEA's Title IX Coordinator(s).  
Item Instructions: Job description must include responsibilities outlined under Title IX.  
Related Items: EE 04

### Nondiscrimination Statement

Abbreviation: NndiscmntnSttmnt  
Description: Nondiscrimination statement used in all required publications and materials. The statement must contain the full designees contact information for the (a) Title IX Coordinator(s), (b) Equity Compliance Officer(s) and (c) 504 Coordinator(s).  
Item Instructions: EE 04  
Related Items: EE 01, EE 04, EE 05

### Publicized Materials – Employees

Abbreviation: PblczdMtrlsEmplys  
Description: Publications and other materials provided to employees that contain the LEA's complete nondiscrimination statement with the: (a) Title IX Coordinator(s), (b) 504 Coordinator(s) and, (c) Equity Compliance Officer contact information.  
Item Instructions: EE 04: The publications and materials must contain the LEA's specific complaint procedures involving students under Title IX.  
Related Items: EE 01, EE 04, EE 05

### Publicized Materials – Students and Parents/Guardians

Abbreviation: PblczdMtrlsStdntsPrntsGrdns  
Description: Publications and other materials provided to pupils, parents/guardians that contain the LEA's complete nondiscrimination statement with the: (a) Title IX Coordinator(s), (b) 504 Coordinator(s) and, (c) Equity Compliance Officer(s) contact information.  
Item Instructions: EE 04: The publications and materials must contain the LEA's specific complaint procedures involving students under Title IX.  
Related Items: EE 01, EE 04, EE 05

## 2023-24 Education Equity Program Instrument

### Title IX Compliance Support Team

- Abbreviation: TtlIXCmplncSpprtTm
- Description: Identify administrators/staff who are part of the Title IX Grievance Process and designated for Appeals, as Decision Makers, and responsible for Supportive Measures, Investigations, and Informal Resolutions.
- Item Instructions: (1) Use blank LEA Self-Reporting Title IX Grievance Designee form from FPM Box; (2) Fill in all information and ensure the information is complete; and (3) Link document and certify.
- Related Items: EE 04

### Title IX Sexual Harassment Complaint Policy and Procedure

- Abbreviation: TtlIXSxIHrsmntCmplntPlcyPrcdr
- Description: Current policy and procedure, with approval/adoption date(s), for Title IX complaints involving pupils.
- Item Instructions:
- Related Items: EE 04

### Title IX Training

- Abbreviation: TtlIXTrnng
- Description: Training given to the Title IX Coordinator(s), investigator(s), decision-maker(s), appeals, supportive measures and other person(s) who facilitate the informal resolution process.
- Item Instructions: EE 04: See EE 4.13, 4.22: Proof of Training (completion certificates or Superintendent's signed confirmation on LEA letterhead) provided to all roles must be submitted. Training material(s) such as handouts, PowerPoints, documents, screenshots, etc. must be provided as we are unable to access 3<sup>rd</sup> party vendor web portals.
- Related Items: EE 04

### Title IX Webpage

- Abbreviation: TtlIXWbpg
- Description: Legible screenshot(s) of the LEA's Title IX Webpage displaying all required components under EE 4.0 with the route to the LEA's Title IX Webpage identified in a prominent and conspicuous manner.
- Item Instructions: EE 04: See EE 4.0. Web links will not be accepted as evidence.

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Related Items: EE 04

### Written Notices – Title IX

Abbreviation: WrtnNtcsTtlIX

Description: Templates of written notices provided to complainant(s) and respondent(s) in response to receipt of a Title IX complaint

Item Instructions: Written notice must include information outlined under EE 4.11. All personally identifiable information must be redacted from submission.

Related Items: EE 04

### Written Determination – Title IX

Abbreviation: WrtnDtrmntnTtlIX

Description: Template of written determination letter issued by decision-maker(s) to complainant and respondent in conclusion of a Title IX complaint.

Item Instructions: Written determination must include information outlined under EE 4.17(a). All personally identifiable information must be redacted from submission.

Related Items: EE 04

### Website Postings

Abbreviation: WbstPstings

Description: Provide legible screenshot(s) of the LEA's home page to landing page, show click path to each posting. Links must be in an easily, readily accessible, and prominent location (i.e., towards the center of the page and not from a drop-down menu) on the LEA's home page. Weblinks are not acceptable submissions of evidence.

Item Instructions: EE 04: Include legible screenshots of the (1) Title IX webpage posting (see EE 4.1) and (2) Definition of Sex Discrimination website posting which includes EC 230 and EC 221.8 (see EE 4.2).

Related Items: EE 01, EE 02, EE 03, EE 04

## EE 05: Section 504 Complaint Procedures

- 5.0 The purpose of this part is to effectuate Section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance. (34 CFR § 104.1)
- 5.1 A LEA that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part. (28 CFR Section 35.107(b); 34 CFR Section 104.7(a))
- 5.2 A LEA that employs fifteen or more persons shall adopt complaint procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. (34 CFR 104.7(b))
- 5.3 A LEA that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of Section 504 and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its program or activity. The notification shall also include an identification of the responsible employee designated pursuant to Section 104.7(a). A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this part. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications (34 CFR 104.8(a))
- 5.4 If a LEA publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a)(See EE 5.3). A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications (34 CFR 104.8(b))

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### Evidence Requests

#### Complaints Data

Abbreviation: CmplntsDt

Description: Data related to complaints alleging discrimination in the previous twelve months. Do not upload complaints into CMT.

Item Instructions: EE 02: Include complaints related to Section 504. (1) Use blank form from FPM Box; (2) Fill in all information and ensure the information is complete; and (3) Link document and certify.

Related Items: EE 02, EE 04, EE 05

#### Nondiscrimination Statement

Abbreviation: NndiscrmntnStmnt

Description: Nondiscrimination statement used in all required publications and materials. The statement must contain the full designees contact information for the (a) Title IX Coordinator(s), (b) Equity Compliance Officer(s) and (c) 504 Coordinator(s).

Item Instructions: EE 05

Related Items: EE 01, EE 04, EE 05

#### Publicized Materials - Employees

Abbreviation: PblczdMtrlsEmplys

Description: Publications and other materials provided to employees that contain the LEA's complete nondiscrimination statement with the: (a) Title IX Coordinator(s), (b) 504 Coordinator(s) and, (c) Equity Compliance Officer(s) contact information.

Item Instructions: EE 05: Include materials related to programs and activities offered to students, parents/guardians, and employees which contain the complete 504 complaint procedures.

Related Items: EE 01, EE 04, EE 05

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### Publicized Materials – Students and Parents/Guardians

Abbreviation: PblczdMtrlsStdntsPrntsGrdns

Description: Publications and other materials provided to pupils, parents/guardians that contain the LEA's complete nondiscrimination statement with the: (a) Title IX Coordinator(s), (b) 504 Coordinator(s) and, (c) Equity Compliance Officer(s) contact information.

Item Instructions: EE 05: Include materials related to programs and activities offered to students, parents/guardians which contain the complete 504 complaint procedures.

Related Items: EE 01, EE 04, EE 05

### Section 504 Complaint Policy and Procedure

Abbreviation: Sctn504CmplntPlcyPrcdr

Description: Current Board policy and procedures, with approval/adoption dates, related to Section 504.

Item Instructions: See EE 5.2 and 5.3 Procedure must outline procedural safeguards and due process hearing.

Related Items: EE 05

### EE 06: Marital, Parental, and Pregnancy Status

- 6.0 The LEA shall notify pregnant and parenting pupils of their rights and options available under the law through the annual school year welcome packets and through independent study packets. (EC Section 222.5(a))
- 6.1 The LEA shall also annually notify parents/guardians of pupils at the beginning of the regular school term of the rights and options available to pregnant and parenting pupils under the law. (EC Section 222.5(b))
- 6.2 The LEA shall apply no rule concerning a pupil's actual or potential parental, family, or marital status that treats pupils differently on the basis of sex. (EC Section 221.51(a); 5 CCR Section 4950; 34 CFR Section 106.40(a))
- 6.3 The LEA shall not exclude or deny any pupil from any educational program or activity solely on the basis of the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. (EC Section 221.51(b); 5 CCR Section 4950(a); 34 CFR Section 106.40(b)(1)).
- 6.4 Pregnant or parenting pupils shall not be excluded from participation in their regular school programs and shall not be required to participate in pregnant-pupil



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programs or alternative educational programs. (EC Section 221.51(d); 5 CCR Section 4950(c); 34 CFR Section 106.40(b)(1)).

- 6.5 Pregnant or parenting pupils who voluntarily participate in alternative programs shall be given educational programs, activities, and courses equal to the regular program.  
(EC Section 221.51(d); 5 CCR Section 4950(c); 34 CFR Section 106.40(b)(3)).
- 6.6 The LEA treats pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disability. (EC Section 221.51(e); 5 CCR Section 4950(d); 34 CFR Section 106.40(b)(4)).
- 6.7 The LEA shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is “Miss” or “Mrs.” A LEA may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by Title IX. (34 CFR Section 106.21(c)(4))
- 6.8 The LEA shall provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A school shall be required to provide the reasonable accommodations specified only if there is at least one lactating pupil on the school campus.
- (a) Reasonable accommodations under this section include, but are not limited to, all of the following:
    - i. Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child.
    - ii. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk.
    - iii. Access to a power source for a breast pump or any other equipment used to express breast milk.
    - iv. Access to a place to store expressed breast milk safely.
  - (b) A lactating pupil shall be provided a reasonable amount of time to accommodate her need to express breast milk or breast-feed an infant child.
  - (c) Only school sites with at least one lactating pupil shall provide the reasonable accommodations specified above. A school subject to this may use an existing facility to meet the requirements.

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- (d) A pupil shall not incur an academic penalty as a result of her use, during the school day, of the reasonable accommodations specified in this section, and shall be provided the opportunity to make up any work missed due to such use.

(EC Sections 222(a) - (e))

6.9 Pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. The following accommodations as rights of pregnant and parenting pupils:

- (a) A pregnant or parenting pupil is entitled to eight weeks of parental leave, which the pupil may take before the birth of the pupil's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction, in order to protect the health of the pupil who gives or expects to give birth and the infant, and to allow the pregnant or parenting pupil to care for and bond with the infant. If the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, the person holding the right to make educational decisions for the pupil, notify the school of the pupil's intent to exercise this right.
- (b) A pregnant or parenting pupil who does not wish to take all or part of the parental leave shall not be required to do so.
- (c) A pregnant or parenting pupil is entitled to receive more than eight weeks of parental leave, if deemed medically necessary by the pupil's physician.
- (d) When a pupil takes parental leave, the supervisor of attendance shall ensure that absences from the pupil's regular school program are excused until the pupil is able to return to the regular school program or an alternative education program.
- (e) During parental leave taken, a local educational agency shall not require a pregnant or parenting pupil to complete academic work or other school requirements.
- (f) A pregnant or parenting pupil may return to the school and the course of study in which he or she was enrolled before taking parental leave.
- (g) Upon return to school after taking parental leave, a pregnant or parenting pupil is entitled to opportunities to make up work missed during his or her leave, including, but not limited to, makeup work plans and reenrollment in courses.
- (h) A pregnant or parenting pupil may remain enrolled for a fifth year of instruction in the school in which the pupil was previously enrolled when it

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is necessary in order for the pupil to be able to complete state and any local graduation requirements, unless the local educational agency makes a finding that the pupil is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.

- (i) A pupil who chooses not to return to the school in which he or she was enrolled before taking parental leave is entitled to alternative education options offered by the local educational agency.
- (j) A pregnant or parenting pupil who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.
- (k) A pupil shall not incur an academic penalty as a result of his or her use of the accommodations.
  - (i) A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures.

(EC Sections 46015(1) - (11))

### Evidence Requests

#### Comparison of Pupil Schedules

- Abbreviation: CmprsnPplSchdls
- Description: Schedules for three pregnant and/or parenting pupils and three non-pregnant/non-parenting/non-lactating pupils in the same grade levels from the current academic year. Pupil names and other personally identifiable information must be redacted.
- Item Instructions: Schedules provided must identify 'pregnant, parenting, or lactating' and 'non-pregnant, non-parenting, or non-lactating pupil'.
- Related Items: EE 06

#### Confirmation Statements

- Abbreviation: CnfrmtnSttmnts
- Description: Statement on LEA letterhead, signed by the LEA's Superintendent certifying required actions taken by LEA regarding policies and procedures.

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Item Instructions: EE 06: Statement outlining the number of lactating pupils currently enrolled in the school district, categorized by school site.

Related items: EE 01, EE 02, EE 04, EE 06

### **Married, Pregnant, and Parenting Policy**

Abbreviation: MrrdPrgnntPrntngPlcy

Description: Current Board policy, with approval/adoption date(s), related to a pupil's actual or perceived parental, pregnancy, and/or marital status.

Item Instructions:

Related Items: EE 06

### **Notification of Rights to Parents/Guardians**

Abbreviation: NtfctnRghtsPrntsGrdns

Description: Annual notifications to parents/guardians outlining the rights and options available to pregnant and/or parenting pupils.

Item Instructions: See EE 6.2 – EE 6.9. Include rights and options available to pregnant/parenting pupils.

Related Items: EE 06

### **Notification of Rights for Pregnant and Parenting Pupils**

Abbreviation: NtfctnRghtsPrgnntPrntngPpls

Description: Annual welcome packets and independent study packets to pregnant and/or parenting pupils outlining the rights and options available to pregnant and/or parenting pupils.

Item Instructions: See EE 6.2 – EE 6.9. Include rights and options available to pregnant/parenting pupils.

Related Items: EE 06

### **Reasonable Accommodation of Lactating Pupils**

Abbreviation: RsnblAccmmdtnLctngPpls

Description: Policy and procedure outlining the accommodations available to lactating pupils.

Item Instructions: See EE 6.8. Include accommodations available to lactating pupils.

Related Items: EE 06

## EE 07: Immigration and Citizenship

- 7.0 School officials and employees of a LEA shall not collect information or documents regarding citizenship or immigration status of pupils and their family members, except as required by law or required to administer a state or federally supported educational program. (*EC Section 234.7(a)*)
- 7.1 The LEA shall report to the responsible governing board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures confidentiality and privacy of any potentially identifying information. (*EC Section 234.7(b)*)
- 7.2 If an employee of a school is aware that a pupil's parent or guardian is not available to care for the pupil, the school shall first exhaust any parental instruction relating to the pupil's care in the emergency contact information it has for the pupil to arrange for the pupil's care. A school is encouraged to work with parents or guardians to update the emergency contact information and not to contact Child Protective Services to arrange for the pupil's care unless the school is unable to arrange for care through the use of emergency contact information or other information or instructions provided by the parent or guardian. (*EC Section 234.7(c)*)
- 7.3 The LEA's governing board shall do both of the following:
- a) Provide information to parents and guardians, as appropriate, regarding their children's right to a free public education, regardless of immigration status or religious beliefs. This information shall include information relating to "know your rights" immigration enforcement established by the Attorney General and may be provided in the annual notification to parents and guardians pursuant to *EC Section 48980* or any other cost-effective means determined by the LEA. (*EC Section 234.7(d)(1)*)
  - b) Educate pupils about the negative impact of bullying other pupils based on their actual or perceived immigration status or their religious beliefs and customs. (*EC Section 234.7(d)(2)*)
- 7.4 All LEAs shall adopt policies based on the model policies developed by the Attorney General's Office (*Guidance*), or equivalent policies. (*EC Section 234.7(g)*)

### Evidence Requests

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### “Know Your Educational Rights”

- Abbreviation: KnwYrEdctnIRghts
- Description: Publications or materials with required “Know Your Educational Rights” distributed to parents/guardians.
- Item Instructions: Review the Attorney General’s Guidance Appendix G. Highlight the corresponding language in the document(s) uploaded.
- Related Items: EE 07

### Annual Notification – General Information Policy

- Abbreviation: AnnlNtfctnGnrllnfrmtnPlcy
- Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), related to pupil privacy and the parent/guardian ability to inspect pupil information.
- Item Instructions: Review the Attorney General’s Guidance, page 21. Highlight the corresponding language in the document(s) uploaded.
- Related Items: EE 07

### Annual Notification – Pupil Directory Information

- Abbreviation: AnnlNtfctnPplDrctrylnfrmtn
- Description: Annual notification sent to pupils and parents/guardians which includes a description of the information identified as “directory information,” the ability for parents/guardians to refuse the release of information, and the time frame for a written refusal.
- Item Instructions: Review the Attorney General’s Guidance, page 22. Highlight the corresponding language in the document(s) uploaded.
- Related Items: EE 07

### Collecting and Retaining Pupil Information

- Abbreviation: CllctngRtnngPpllnfrmtn
- Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which outlines how the LEA collects and retains pupil information.
- Item Instructions: Review the Attorney General’s Guidance, page 12. Highlight the corresponding language in the document(s) uploaded.
- Related Items: EE 07

## 2023-24 Education Equity Program Instrument

### Immigration Status, Citizenship Status, and National Origin Information

- Abbreviation: ImmgrtnStsCtznsHPStsNtnlOrgnInfrmtn
- Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which describes how the LEA handles inquiries related to immigration status, citizenship status, and/or national origin.
- Item Instructions: Review the Attorney General's Guidance, pages 12-13. Highlight the corresponding language in the document(s) uploaded.
- Related Items: EE 07

### Information Sharing

- Abbreviation: InfrmtnShrng
- Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which describes how the disclosure of pupil and family information is monitored.
- Item Instructions: Review the Attorney General's Guidance, pages 20-21. Highlight the corresponding language in the document(s) uploaded.
- Related Items: EE 07

### Monitoring and Receiving Visitors onto Campus

- Abbreviation: MntrngRcvngVstrsCmps
- Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which outlines the process for receiving visitors onto school sites.
- Item Instructions: Review the Attorney General's Guidance, page 29. Highlight the corresponding language in the document(s) uploaded.
- Related Items: EE 07

### Parental Notifications of Immigration-Enforcement Actions

- Abbreviation: PrntlNtfctnImmgrtnEnfrcmntActns
- Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which describes the process for parent/guardian notifications of immigration-enforcement actions.
- Item Instructions: Review the Attorney General's Guidance, page 31. Highlight the corresponding language in the document(s) uploaded.
- Related Items: EE 07

## 2023-24 Education Equity Program Instrument

### Response to Hate Crimes and Bullying

- Abbreviation: RspnsHtCrmsBllng
- Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), prohibiting discrimination, harassment, intimidation, and bullying on the basis of a pupil's actual or perceived nationality, ethnicity, and/or immigration status.
- Item Instructions: Review the Attorney General's Guidance, pages 37–38. Highlight the corresponding language in the document(s) uploaded.
- Related Items: EE 07

### Response to On-Campus Immigration Enforcement

- Abbreviation: RspnsOnCmpsImmgrtnEnfrcmnt
- Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which describes the LEA's response to on-campus immigration enforcement.
- Item Instructions: Review the Attorney General's Guidance, pages 30–31. Highlight the corresponding language in the document(s) uploaded.
- Related Items: EE 07

### Response to the Detention and Deportation of a Pupil's Family Member

- Abbreviation: RspnsDtntnDprtnPplFmMmbr
- Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which describes the process for responding to the detention and deportation of a pupil's family member.
- Item Instructions: Review the Attorney General's Guidance, page 34. Highlight the corresponding language in the document(s) uploaded.
- Related Items: EE 07

### Social Security Numbers or Cards

- Abbreviation: SSNsCrds
- Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which describes how the LEA handles inquiries related to Social Security numbers and cards.
- Item Instructions: Review the Attorney General's Guidance, page 13. Highlight the corresponding language in the document(s) uploaded.
- Related Items: EE 07



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### Training Related to Hate Crimes and Bullying

Abbreviation:	TrnngRltdHtCrmsBllng
Description:	Training provided to pupils and staff related to hate crimes and bullying on the basis of a pupil's actual or perceived immigration status and/or their religious beliefs or customs.
Item Instructions:	Review the Attorney General's Guidance, page 38. Highlight the corresponding language in the document(s) uploaded.
Related Items:	EE 07

## III. Opportunity and Equal Educational Access

### EE 08: Curriculum, Instruction, and Counseling Materials

- 8.0 LEAs shall not discriminate against any pupil based on actual or perceived sex, sexual orientation, gender, race or ethnicity, ancestry, national origin, religion, color, or mental or physical disability in the counseling or guidance of pupils. (5 CCR Section 4930) (EC 221.5(a); EC 234.1)
- 8.1 A LEA that uses testing or other materials for appraising or counseling pupils shall not use different materials for pupils on the basis of sex, sexual orientation, gender, race or ethnicity,, ancestry, national origin, religion, color, or mental or physical disability unless such different materials cover the same occupations and interest areas and the use of such different materials is essential to the elimination of bias and discrimination. (5 CCR Section 4931)(EC 234.1)
- 8.2 The LEA shall not permit any course or activity labeling or scheduling which results in the separation of pupils on the basis of sex, sexual orientation, gender, race or ethnicity, ancestry, national origin, religion, color, or mental or physical disability. If pupils have the opportunity to select a specific activity for a physical education course, the course title and description shall be gender neutral. (5 CCR Section 4940(d))(EC 221.5((b)&(c); EC 234.1)
- 8.3 In determining required courses for any pupil, such determination shall be made without regard sex, sexual orientation, gender, race, race or ethnicity, ancestry, national origin, religion, color, or mental or physical disability, except as otherwise provided in the Title 5 of the California Code of Regulations. (5 CCR Section 4940(h))(EC 221.5(d); EC 234.1)
- 8.4 The LEA shall ensure that if a substantially disproportionate number of pupils of one group are enrolled in a particular class, such disproportionality is not the result of discrimination in counseling policy or practice, or appraisal materials or discrimination by counselors, or any other employee of the LEA. (5 CCR Section 4931 (d)

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### Evidence Requests

#### Academic, Career, and Guidance Counseling Materials

Abbreviation: AcdmcCrGdncCnsIngMtrls

Description: All materials provided to pupils related to academic, career, and guidance counseling.

Item Instructions:

Related Items: EE 08

#### Course Announcements

Abbreviation: CrsAnncmnts

Description: Current academic year course announcements/catalog or publications for all grade levels served with a complete nondiscrimination statement and the contact information for the: (a) Title IX Coordinator(s), (b) Equity Compliance Officer(s) and, (c) 504 Coordinator(s).

Item Instructions:

Related Items: EE 08

#### Master Course Scheduling Process

Abbreviation: MstrCrsSchdIngPrccs

Description: Written description of the process used to identify and resolve substantially disproportionate number of pupils of one sex in a particular course.

Item Instructions: The statement must be on LEA letterhead, signed by the Superintendent, and address the process for all grade levels served.

Related Items: EE 08

### EE 09: Pupil Activities, Athletics, Clubs, and Programs

9.0 The governing board of a school district that maintains one or more schools containing any of grades 7 to 12, inclusive, as a condition for the receipt of inflation adjustments pursuant to Section 42238.02, as implemented by Section 42238.03, shall establish a school district policy regarding participation in extracurricular and cocurricular activities by pupils in grades 7 to 12, inclusive. The criteria, which shall be applied to extracurricular and cocurricular activities, shall ensure that pupil participation is

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conditioned upon satisfactory educational progress in the previous grading period. (EC 35160.5(a); EC 230(a))

- 9.1 A LEA shall not provide or otherwise carry out any of its extracurricular or activities separately, or require or refuse participation therein by any of its pupils on the basis of sex, sexual orientation, gender, race or ethnicity, ancestry, national origin, religion, color, or mental or physical disability. (5 CCR Section 4925)(EC 234.1; EC 230(a))
- 9.2 All pupil clubs shall have equal access to LEA facilities to conduct a meeting and a fair opportunity to meet within the limited open forum of the LEA, if the LEA has a limited open forum. (5 CCR Section 4927)
- 9.3 Membership in student clubs must be open to all pupils regardless of sex, sexual orientation, gender, race or ethnicity , ancestry, national origin, religion, color, or mental or physical disability. (5 CCR Section 4926) (EC 234.1)
- 9.4 A pupil shall be permitted to participate in sex-segregated school programs and activities and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records. (EC Section 221.5(f))
- 9.5 No person shall on the basis of sex, sexual orientation, gender, race or ethnicity , ancestry, national origin, religion, color or mental or physical disability be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise discriminated against in interscholastic, intramural, or club athletics. (EC Section 234.1) (5 CCR Section 4920).
- 9.7 A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records. (EC Section 221.5(f))
- 9.8 The LEA shall not, on the basis of sex, exclude from participation in, or deny equivalent opportunity in, athletic programs. In determining whether equivalent opportunities are available to both sexes in athletic programs, the factors a LEA shall consider, include, but are not limited to:
  - (a) Whether the selection of sports and levels of competition offered effectively accommodate the interests and abilities of both sexes;
  - (b) The provision and maintenance of equipment and supplies;
  - (c) Scheduling of games and practice times; selection of the season for a sport; location of the games and practices;
  - (d) Travel and per diem allowances;
  - (e) Opportunities to receive coaching and academic tutoring;

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- (f) Assignment and compensation of coaches and tutors;
- (g) Provision of locker rooms, practice and competitive facilities;
- (h) Provision of medical and training facilities and services;
- (i) Provision of housing and dining facilities and services;
- (j) Publicity.

(5 CCR 4922(a))

9.9 LEA shall ensure that Athletic programs supported by public funds provide equal opportunity to both sexes for participation and for use of facilities. (*EC* Section 221.7(b)).

- (a) A LEA may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex. (34 CFR Section 106.33)

9.10 The LEA accommodates the interests and abilities in athletics of both sexes by any one of the following tests:

- (a) Opportunities for interscholastic-level participation for male and female pupils are provided in numbers substantially proportionate to their respective enrollments.
- (b) The history of the program and continuing practice of program expansion are demonstrably responsive to the developing interest and abilities of members of the sex that has been and is underrepresented among interscholastic athletes.
- (c) Interests and abilities of the members of the underrepresented sex have been fully and effectively accommodated by the present program.

(*EC* Section 230(d))

9.11 A LEA which only provides one team in a particular sport for members of one sex but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have previously been limited, members of the excluded sex must be allowed to try out and compete with the LEA's team. The same standards for eligibility shall be applied to every pupil trying out for a team, regardless of sex or sexual orientation or other protected group status. (5 CCR Section 4921(b))

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9.12 The LEA ensures that each public elementary school, secondary school, and charter school offering competitive athletics shall make all of the following information publicly available at the end of the school year: (1) total enrollment of the school, classified by gender; (2) number of pupils enrolled at the school who participate in competitive athletics, classified by gender; and (3) number of boys' and girls' teams, classified by sport and competition level. (*EC Section 221.9(a)*)

(a) The information shall reflect the total number of players on a team roster on the first official day of team competition. (*EC Section 221.9(b)*)

(b) This information shall be posted on the school's internet website, or if the school does not maintain an internet website, on the district or charter school operator's internet website and the information for each school shall be shall be disaggregated by school site. (*EC Section 221.9(c)*)

All materials used to compile each school's information shall be retained by the school for a minimum of three years after the information is posted on the Internet pursuant to *EC 221.9(c)*.

9.13 If the LEA reduces its athletic budget, it does so consistently with its legal obligation to comply with both state and federal gender equity laws. (*EC Section 230(e)*)

### Evidence Requests

#### Activities, Clubs, and Program Materials

Abbreviation: ActvtsClbsPrgrmMtrls

Description: All materials used related to pupil activities, clubs, and programs. Materials must indicate availability to all pupils. Screenshots of social media or other web-based materials must be legible.

Item Instructions:

Related Items: EE 09

#### Athletic Competition Schedules

Abbreviation: AthlctCmpttnSchdls

Description: Previous academic year's athletic competition schedules, classified by sport and gender.

Item Instructions:

Related Items: EE 09

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### **Athletics Data Retention Statement**

Abbreviation: AthlTcsDtRtntnSttmnt

Description: Written statement, on Agency letterhead, signed by the Superintendent, which certifies that all school sites retain three (3) years of athletic data, in accordance with Ed. Code 221.9 requirements.

Item Instructions:

Related Items: EE 09

### **Athletic Eligibility**

Abbreviation: AthlTcElgbly

Description: Eligibility criteria for all competitive athletic teams available to pupils within the LEA.

Item Instructions:

Related Items: EE 09

### **Athletic Facility Site Maps**

Abbreviation: AthlTcFcltyStMps

Description: Aerial maps of the school site(s) showing the LEA's locker room(s) and athletic facilities, practice /competition fields, classified by gender.

Item Instructions: Documents must include map of locker room/facility, square footage; disaggregated locker counts, toilet/urinal, sink, and shower counts, per each gender-specific facility.

Related Items: EE 09

### **Athletic Fiscal Records**

Abbreviation: AthlTcFscfRcrds

Description: Previous academic year's athletic fiscal records for school site funding of athletic programs, classified by sport and gender.

Item Instructions: Records must show expenditures for program equipment, facilities, coaches' salary/stipend, transportation/travel, publicity, and medical services. Identify source of funds including school, district, and fundraising.

Related Items: EE 09

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### **Athletic Recruitment and Participation Materials**

Abbreviation: AthlRcrmtntPrtpnMtrls

Description: All materials used in the promotion, recruitment, and participation of athletics at the LEA. Materials must indicate availability to all pupils. Screenshots of social media or other web-based materials must be legible.

Item Instructions:

Related Items: EE 09

### **Athletic Rosters**

Abbreviation: AthlRstrs

Description: Previous academic year's athletic rosters identifying the gender of each participating pupil, classified by sport and competition level.

Item Instructions: Pupil names and other personally identifiable information must be redacted.

Related Items: EE 09

### **Athletics Webpage**

Abbreviation: AthlcsWbpg

Description: Description: Legible screenshot(s) of all the LEA's athletic webpage(s) which include(s) a complete nondiscrimination statement and required athletic data. Web links will not be accepted as evidence.

Item Instructions: EE 09: Must show the required information under Ed. Code 221.9.

Related Items: EE 09

### **Pupil Activities, Clubs, and Programs Policy.**

Abbreviation: PplActvtsClbsPrgmsPlcy

Description: Current Board policy and/or procedure or process with approval/adoption date(s), related to pupil participation and selection criteria for extracurricular and co-curricular activities, clubs, and programs. Policy must indicate availability of activities, clubs, and programs to all pupils.

Item Instructions: EE 09: See EE 9.0.

Related Items: EE 09

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### **Pupil Gender Identity and Expression**

Abbreviation: PplGndrIdnttyExprssn

Description: Current gender-based board policy, rules and/or practices outlining the provisions and accommodations for transgender and gender nonconforming pupils.

Item Instructions:

Related Items: EE 09