

# Civil Rights Review 2024–25 Program Instrument

**California Department of Education  
July 2024**

## CRR 01: Continuous Nondiscrimination Notice

1. Recipients must take continuing steps to notify participants, beneficiaries, applicants, elementary and secondary school parents, 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 race, color, national origin, sex, or disability, in its programs or activities and provides equal access to the Boys Scouts of America or other designated youth groups. (34 Code of Federal Regulations (CFR) Section 106.8(a)(b); 34 CFR Section 104.8; 34 CFR Section 100.6(d); 28 CFR Section 35.106; 20 United States Code (USC) 790)

*Related California Law*:

California laws also provide added protection on the basis of actual or perceived ancestry, ethnicity, gender, gender identity, gender expression, immigration status, religion, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. Further the information must be placed in an easily accessible, readily access and prominent location on the LEAs website. (*Education Code* (*EC*) Sections 200, 220, and 234.6; Title 5 California Code of Regulations (5 CCR) Section 4622, 4960(b), 4900 et seq.)

### Evidence Requests

#### Employee Handbook

Abbreviation: EmplHndbk

Description: Employee Handbook(s) or on-boarding packets for Certificated, Classified and Other Employees.

Item Instructions: CRR 01: Handbook(s), on boarding/ hiring packet(s) must include the continuous nondiscrimination notice with the Title IX Coordinator(s) name or title, address, phone number, and email address; ADA/Title II and Section 504 Coordinator(s) name, title, address, and phone number.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05, CRR 20

#### Parent Handbook(s)

Abbreviation: PrntHndbk(s)

Description: Parent handbook(s).

Item Instructions: CRR 01: Handbook(s) must include the continuous nondiscrimination notice with Title IX Coordinator(s) name or title, address, phone number, and email address; ADA/Title II and Section 504 Coordinator(s) name, title, address, and phone number(s).

Related Items: CRR 01, CRR 03, CRR 04, CRR 05

#### Publicized Materials

Abbreviation: PblczdMtrls

Description: Publications and materials related to the programs and activities offered/provided to students, parents/guardians, employees, and unions or professional organizations holding collective bargaining or professional agreements.

Item Instructions: CRR 01: Materials must include the continuous nondiscrimination notice with Title IX Coordinator(s) name or title, address, phone number, and email address and ADA/Title II and Section 504 Coordinator(s) name, title, address, and phone number(s).

Related Items: CRR 01, CCR 02, CRR 03, CRR 04, CRR 05

#### Recruitment Publicized Materials

Abbreviation: RcrtmntPblczdMtrls

Description: All CTE recruitment materials, including, but not limited to, PowerPoint presentations, brochures, flyers, newsletters, guides, electronic publications, and catalogs. Materials must contain continuous nondiscrimination notice with ADA/Title II, Section 504, and Title IX Coordinator(s).

Item Instructions: Must contain continuous nondiscrimination notice with Title IX Coordinator(s) name or title, address, phone number, and email address and ADA/Title II and Section 504 Coordinator(s) name, title, address, and phone number(s).

Related Items: CRR 01, CRR 06

#### Student Applications

Abbreviation: StdntAplctns

Description: Sample student applications, if applicable.

Item Instructions: CRR 01: Applications must include the continuous nondiscrimination notice with the Title IX Coordinator(s) name or title, address, phone number, and email address and ADA/Title II and Section 504 Coordinator(s) name, title, address, and phone number.

Related Items: CRR 01, CRR 08, CRR 09

#### Student Handbook

Abbreviation: StdntHndbk

Description: Student Handbook(s).

Item Instructions: CRR 01: Handbook(s) must include nondiscrimination notice with Title IX Coordinator(s) name or title, address, phone number, and email address; ADA/Title II and Section 504 Coordinator(s) name, title, address, and phone number.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05

#### Webpage – Nondiscrimination Postings

Abbreviation: WbpgNndsrmntnPstngs

Description: Legible screenshot of websites which show the nondiscrimination notice with Title IX Coordinator(s) name or title, address, phone number, and email address; ADA/Title II and Section 504 Coordinator(s) name, title, address, and phone number.

Item Instructions:

Related Items: CRR 01

## CRR 02: Annual Public Notification

1. Prior to the beginning of each school year, recipients must advise students, parents, employees, and the general public that all vocational or Career Technical Education (CTE) opportunities will be offered regardless of race, color, national origin, sex, or disability. (34 CFR Appendix B to Part 100 IV.O.)
   1. If the subrecipient’s service area(s) contains a community of national origin minority people with limited English language skills, public notification materials must be disseminated to that community in its language and must state that the subrecipient will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in CTE programs. (34 CFR Appendix B to Part 100 IV.O.)
   2. The notice must include a brief summary of program offerings and admission criteria and the name, office address, and phone number of the person(s) designated to coordinate Title IX and Section 504 compliance activity. (34 CFR Appendix B to Part 100 IV.O.)
   3. Recipient issues an annual public notice of nondiscrimination related to opportunities in its CTE programs. (34 CFR Appendix B to Part 100 IV.O.)
   4. The notice also is disseminated in the language of any national origin minority community in the service area. (34 CFR Appendix B to Part 100 IV.O.)
   5. Annual notice lists coordinators of Section 504 and Title IX with their name/title, address, and phone number. (34 CFR Appendix B to Part 100 IV.O.) (28 CFR Section 35.106) (34 CFR Section 104.7(a))
   6. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph. (28 CFR Section 35.107(a))

*Related California Law:*

California laws also provide added protection on the basis of actual or perceived ethnicity, gender, gender identity, gender expression, immigration status, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. (5 *CCR*, Title 5, Sections 4622, 4961 et seq.; *EC* Sections 200 and 220)

### Evidence Requests

#### Annual Public Notification

Abbreviation: AnnlPblcNtfctn

Description: Annual Public Notification statement provided to parents/guardians, students, employees, surrounding community and general public.

Item Instructions: Annual Public Notification must include all of the elements in CRR 2.0 – 2.6. Must include the Title IX Coordinator(s) name or title, address, phone number, and email address and ADA/Title II and Section 504 Coordinator(s) name, title, address, and phone number.

Related Items: CRR 02

#### Annual Public Notification in Other Languages

Abbreviation: AnnlPblcNtfctnOthrLngs

Description: Annual Public Notification statement provided to parents/guardians, students, employees, surrounding community and the general public in the language of any national origin minority community in the recipient's service area.

Item Instructions: Annual Public Notification statement must include all of the elements in CRR 2.0 – 2.6. Must include the Title IX Coordinator(s) name or title, address, phone number, and email address and ADA/Title II and Section 504 Coordinator(s) name, title, address, and phone number.

Related Items: CRR 02

#### Publicized Materials

Abbreviation: PblczdMtrls

Description: Publications and materials related to the programs and activities offered/provided to students, parents/guardians, employees, and unions or professional organizations holding collective bargaining or professional agreements.

Item Instructions: ONLY APPLICABLE TO CTE DOCUMENTS. Annual Public Notification statement must include all of the elements in CRR 2.0 – 2.6. Must include the Title IX Coordinator(s) name or title, address, phone number, and email address and ADA/Title II and Section 504 Coordinator(s) name, title, address, and phone number.

Related Items: CRR 02

## CRR 03: Title IX and Grievance Procedures

1. Each recipient must designate and authorize at least one employee, referred to herein as a Title IX Coordinator, to coordinate its efforts to comply with its responsibilities under Title IX and this part. If a recipient has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the recipient’s consistent compliance with its responsibilities under Title IX and this part. (34 CFR Section 106.8(a)(1))
   * 1. As appropriate, a recipient may delegate, or permit a Title IX Coordinator to delegate, specific duties to one or more designees. (34 CFR Section 106.8(a)(2))
   1. Each recipient must adopt, publish, and implement a policy stating that the recipient does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and this part, including in admission (unless subpart C of this part does not apply) and employment. (34 CFR Section 106.8(b)(1))
      1. A recipient must adopt, publish, and implement grievance procedures consistent with the requirements of 34 CFR 106.45 that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the recipient’s education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or this part. (34 CFR Section 106.8(b)(2))
   2. A recipient must provide a notice of nondiscrimination to students; parents, guardians, or other authorized legal representatives of elementary school and secondary school students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the recipient. (34 CFR Section 106.8(c))
      1. The notice of nondiscrimination must include the following elements (34 CFR Section 106.8(c)(1)(i)):
         1. A statement that the recipient does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and this part, including in admission and employment; (34 CFR Section 106.8(c)(1)(i)(A))
         2. A statement that inquiries about the application of Title IX and this part to the recipient may be referred to the recipient’s Title IX Coordinator, the Office for Civil Rights, or both; (34 CFR Section 106.8(c)(1)(i)(B))
         3. The name or title, office address, email address, and telephone number of the recipient’s Title IX Coordinator; (34 CFR Section 106.8(c)(1)(i)(C))
         4. How to locate the recipient’s nondiscrimination policy under 3.1 of this section; and the recipient’s grievance procedures under 3.1 of this section; and (34 CFR Section 106.8(c)(1)(i)(D))
         5. How to report information about conduct that may constitute sex discrimination under Title IX; and how to make a complaint of sex discrimination under this part. (34 CFR Section 106.8(c)(1)(i)(E))
      2. Nothing in this part prevents a recipient from including in its notice of nondiscrimination information about any exceptions or exemptions applicable to the recipient under Title IX. (34 CFR Section 106.8(c)(1)(ii))
      3. Each recipient must prominently include all elements of its notice of nondiscrimination set out in 3.2 of this section on its website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to persons entitled to notice under paragraph (c) of this section, or which are otherwise used in connection with the recruitment of students or employees. (34 CFR Section 106.8(c)(2)(i))
         1. If necessary, due to the format or size of any publication under 3.2 of this section, the recipient may instead include in those publications a statement that the recipient prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the Title IX Coordinator, and provide the location of the notice on the recipient’s website. (34 CFR Section 106.8(c)(2)(ii))
         2. A recipient must not use or distribute a publication stating that the recipient treats applicants, students, or employees differently on the basis of sex, except as such treatment is permitted by Title IX or this part. (34 CFR Section 106.8(c)(2)(iii))
   3. The recipient must ensure that the persons described below this section receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or this part, and annually thereafter. This training must not rely on sex stereotypes. (34 CFR Section 106.8(d))
      1. All employees must be trained on: (34 CFR Section 106.8(d)(1))
         1. The recipient’s obligation to address sex discrimination in its education program or activity; (34 CFR Section 106.8(d)(1)(i))
         2. The scope of conduct that constitutes sex discrimination under Title IX and this part, including the definition of sex-based harassment; and (34 CFR Section 106.8(d)(1)(ii))
         3. All applicable notification and information requirements under 34 CFR 106.40(b)(2) and 106.44. (34 CFR Section 106.8(d)(1)(iii))
      2. In addition to the training requirements in this section, all investigators, decisionmakers, and other persons who are responsible for implementing the recipient’s grievance procedures or have the authority to modify or terminate supportive measures under 34 CFR 106.44(g)(4) must be trained on the following topics to the extent related to their responsibilities: (34 CFR Section 106.8(d)(2))
         1. The recipient’s obligations under 34 CFR 106.44; (34 CFR Section 106.8(d)(2)(i))
         2. The recipient’s grievance procedures under 34 CFR 106.45; (34 CFR Section 106.8(d)(2)(ii))
         3. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and (34 CFR Section 106.8(d)(2)(iii))
         4. The meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under 34 CFR 106.45. (34 CFR Section 106.8(d)(2)(iv))
      3. In addition to the training requirements in 3.3 of this section, all facilitators of an informal resolution process under 34 CFR 106.44(k) must be trained on the rules and practices associated with the recipient’s informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias. (34 CFR Section 106.8(d)(3))
      4. In addition to the training requirements in 3.3 of this section, the Title IX Coordinator and any designees must be trained on their specific responsibilities under 3.0 this section, 34 CFR 106.40(b)(3), 106.44(f) and (g), the recipient’s recordkeeping system and the requirements of 3.5 of this section, and any other training necessary to coordinate the recipient’s compliance with Title IX. (34 CFR Section 106.8(d)(4))
   4. If a complainant or respondent is an elementary or secondary student with a disability, the recipient must require the Title IX Coordinator to consult with one or more members, as appropriate, of the student’s Individualized Education Program (IEP) team, 34 CFR 300.321, if any, or one or more members, as appropriate, of the group of persons responsible for the student’s placement decision under 34 CFR 104.35(c), if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, throughout the recipient’s implementation of grievance procedures under 34 CFR 106.45. (34 CFR Section 106.8(e))
   5. A recipient must maintain for a period of at least seven years: (34 CFR Section 106.8(f))
      1. For each complaint of sex discrimination, records documenting the informal resolution process under 34 CFR 106.44(k) or the grievance procedures under 34 CFR 106.45 and the resulting outcome. (34 CFR Section 106.8(f)(1))
      2. For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or this part, including notifications under 34 CFR 106.44(c)(1) or (2), records documenting the actions the recipient took to meet its obligations under 34 CFR 106.44. (34 CFR Section 106.8(f)(2))
      3. All materials used to provide training under 3.3 of this section. A recipient must make these training materials available upon request for inspection by members of the public. (34 CFR Section 106.8(f)(3))
   6. A recipient with knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity must respond promptly and effectively; and (34 CFR Section 106.44(a)(1))
      1. A recipient must also comply with this section to address sex discrimination in its education program or activity. (34 CFR Section 106.44(a)(2))
   7. A recipient must require its Title IX Coordinator to: (34 CFR Section 106.44(b))
      1. Monitor the recipient’s education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX or this part; and (34 CFR Section 106.44(b)(1))
      2. Take steps reasonably calculated to address such barriers. (34 CFR Section 106.44(b)(2))
   8. An elementary school or secondary school recipient must require all of its employees who are not confidential employees to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX or this part. (34 CFR Section 106.44(c)(1))
      1. All other recipients must, at a minimum, require: (34 CFR Section 106.44(c)(2))
         1. Any employee who is not a confidential employee and who either has authority to institute corrective measures on behalf of the recipient or has responsibility for administrative leadership, teaching, or advising in the recipient’s education program or activity to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX or this part; and (34 CFR Section 106.44(c)(2)(i))
         2. All other employees who are not confidential employees and not covered by 3.8(a)(i) of this section to either: (34 CFR Section 106.44(c)(2)(ii))
         3. Notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX or this part; or (34 CFR Section 106.44(c)(2)(ii)(A))
         4. Provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination under Title IX or this part. (34 CFR Section 106.44(b)(2)(ii)(B))
         5. The requirements of this section do not apply to an employee who has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX or this part. (34 CFR Section 106.44(c)(4))
   9. A recipient must notify all participants in the recipient’s education program or activity of how to contact its confidential employees, if any, excluding any employee whose confidential status is only with respect to their conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination as set out in the definition of confidential employee in 34 CFR 106.2. (34 CFR Section 106.44(d)(1))
      1. A recipient must require a confidential employee to explain to any person who informs the confidential employee of conduct that reasonably may constitute sex discrimination under Title IX or this part: (34 CFR Section 106.44(d)(2))
         1. The employee’s status as confidential for purposes of this part, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination; (34 CFR Section 106.44(d)(2)(i))
         2. How to contact the recipient’s Title IX Coordinator and how to make a complaint of sex discrimination; and (34 CFR Section 106.44(d)(2)(ii))
         3. That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures. (34 CFR Section 106.44(d)(2)(iii))
   10. The Title IX Coordinator is responsible for coordinating the recipient’s compliance with its obligations under Title IX and this part. (34 CFR Section 106.44(f))
       1. A recipient must require its Title IX Coordinator, when notified of conduct that reasonably may constitute sex discrimination under Title IX or this part, to take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects: (34 CFR Section 106.44(f)(1))
          1. Treat the complainant and respondent equitably; (34 CFR Section 106.44(f)(1)(i))
          2. Offer and coordinate supportive measures, as appropriate, for the complainant. In addition, if the recipient has initiated grievance procedures under 34 CFR 106.45 or offered an informal resolution process under paragraph (k) of this section to the respondent, offer and coordinate supportive measures under paragraph (g) of this section, as appropriate, for the respondent; (34 CFR Section 106.44(f)(1)(ii))
          3. Notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures under 34 CFR 106.45 and the informal resolution process under 3.15 of this section, if available and appropriate; and (34 CFR Section 106.44(f)(1)(iii)(A))
          4. If a complaint is made, notify the respondent of the grievance procedures under 34 CFR 106.45 and the informal resolution process under 3.15 of this section, if available and appropriate; (34 CFR Section 106.44(f)(1)(iii)(B))
          5. In response to a complaint, initiate the grievance procedures under 34 CFR 106.45 or the informal resolution process under 3.15 of this section, if available and appropriate and requested by all parties; (34 CFR Section 106.44(f)(1)(vi))
          6. In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination that complies with the grievance procedures under 34 CFR 106.45. (34 CFR Section 106.44(f)(1)(v))
          7. To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors: (34 CFR Section 106.44(f)(1)(v)(A))
             1. The complainant’s request not to proceed with initiation of a complaint; (34 CFR Section 106.44(f)(1)(v)(A)(1))
             2. The complainant’s reasonable safety concerns regarding initiation of a complaint; (34 CFR Section 106.44(f)(1)(v)(A)(2))
             3. The risk that additional acts of sex discrimination would occur if a complaint is not initiated; (34 CFR Section 106.44(f)(1)(v)(A)(3))
             4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence; (34 CFR Section 106.44(f)(1)(v)(A)(4))
             5. The age and relationship of the parties, including whether the respondent is an employee of the recipient; (34 CFR Section 106.44(f)(1)(v)(A)(5))
             6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals; (34 CFR Section 106.44(f)(1)(v)(A)(6))
             7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and (34 CFR Section 106.44(f)(1)(v)(A)(7))
             8. Whether the recipient could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under 34 CFR 106.45. (34 CFR Section 106.44(f)(1)(v)(A)(8))
          8. If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the recipient from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint. (34 CFR Section 106.44(f)(1)(v)(B))
          9. If initiating a complaint under 3.10(a)(v) of this section, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant’s safety or the safety of others, including by providing supportive measures consistent with 3.11 of this section; and (34 CFR Section 106.44(f)(1)(vi))
          10. Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the recipient’s education program or activity. (34 CFR Section 106.44(f)(1)(vii))
       2. A Title IX Coordinator is not required to comply with 3.10(a)(i-iv) of this section upon being notified of conduct that may constitute sex discrimination if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex discrimination under Title IX or this part. (34 CFR Section 106.44(f)(2))
   11. Under 3.10 of this section, a recipient must offer and coordinate supportive measures, as appropriate, as described below. For allegations of sex discrimination other than sex-based harassment or retaliation, a recipient’s provision of supportive measures does not require the recipient, its employee, or any other person authorized to provide aid, benefit, or service on the recipient’s behalf to alter the alleged discriminatory conduct for the purpose of providing a supportive measure. (34 CFR Section 106.44(g))
       1. Supportive measures may vary depending on what the recipient deems to be reasonably available. These measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment. (34 CFR Section 106.44(g)(1))
       2. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the recipient’s educational environment, or to provide support during the recipient’s grievance procedures under 34 CFR 106.45 or during the informal resolution process under 34 CFR 106.44(k). A recipient must not impose such measures for punitive or disciplinary reasons. (34 CFR Section 106.44(g)(2))
       3. A recipient may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures under 34 CFR 106.45 or at the conclusion of the informal resolution process under 3.15 of this section, or the recipient may continue them beyond that point. (34 CFR Section 106.44(g)(3))
       4. A recipient must provide a complainant or respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the recipient’s decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision, if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent (34 CFR Section 106.44(g)(4))
       5. A recipient must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party’s access to the education program or activity, or when an exception in 34 CFR 106.44(j)(1) through (5) applies. (34 CFR Section 106.44(g)(5))
       6. If the complainant or respondent is an elementary or secondary student with a disability, the recipient must require the Title IX Coordinator to consult with one or more members, as appropriate, of the student’s Individualized Education Program (IEP) team, 34 CFR 300.321, if any, or one or more members, as appropriate, of the group of persons responsible for the student’s placement decision under 34 CFR 104.35(c), if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures. (34 CFR Section 106.44(g)(6)(i))
   12. Nothing in this part precludes a recipient from removing a respondent from the recipient’s education program or activity on an emergency basis, provided that the recipient undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision must not be construed to modify any rights under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. (34 CFR Section 106.44(h))
   13. Nothing in this part precludes a recipient from placing an employee respondent on administrative leave from employment responsibilities during the pendency of the recipient’s grievance procedures. This provision must not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. (34 CFR Section 106.44(i))
   14. A recipient must not disclose personally identifiable information obtained in the course of complying with this part, except in the following circumstances: (34 CFR Section 106.44(j))
       1. When the recipient has obtained prior written consent from a person with the legal right to consent to the disclosure; (34 CFR Section 106.44(j)(1))
       2. When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; (34 CFR Section 106.44(j)(2))
       3. To carry out the purposes of this part, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in the recipient’s education program or activity; (34 CFR Section 106.44(j)(3))
       4. As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or (34 CFR Section 106.44(j)(4))
       5. To the extent such disclosures are not otherwise in conflict with Title IX or this part, when required by State or local law or when permitted under FERPA, 20 U.S.C. 1232g, or its implementing regulations, 34 CFR part 99. (34 CFR Section 106.44(j)(5))
   15. At any time prior to determining whether sex discrimination occurred under 34 CFR 106.45, a recipient may offer to a complainant and respondent an informal resolution process, unless the complaint includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student or such a process would conflict with Federal, State or local law. A recipient that provides the parties an informal resolution process must, to the extent necessary, also require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the recipient’s education program or activity. (34 CFR Section 106.44(k)(1))
       1. Subject to these limitations, a recipient has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or this part or when a complaint of sex discrimination is made, and may decline to offer informal resolution despite one or more of the parties’ wishes. (34 CFR Section 106.44(k)(1)(i))
       2. In addition, circumstances when a recipient may decline to allow informal resolution include but are not limited to when the recipient determines that the alleged conduct would present a future risk of harm to others. (34 CFR Section 106.44(k)(1)(ii))
       3. A recipient must not require or pressure the parties to participate in an informal resolution process. The recipient must obtain the parties’ voluntary consent to the informal resolution process and must not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. (34 CFR Section 106.44(k)(2))
       4. Before initiation of an informal resolution process, the recipient must provide to the parties notice that explains: (34 CFR Section 106.44(k)(3))
          1. The allegations; (34 CFR Section 106.44(k)(3)(i))
          2. The requirements of the informal resolution process; (34 CFR Section 106.44(k)(3)(ii))
          3. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the recipient’s grievance procedures; (34 CFR Section 106.44(k)(3)(iii))
          4. That the parties’ agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations; (34 CFR Section 106.44(k)(3)(iv))
          5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and (34 CFR Section 106.44(k)(3)(v))
          6. What information the recipient will maintain and whether and how the recipient could disclose such information for use in grievance procedures under 34 CFR 106.45 if grievance procedures are initiated or resumed. (34 CFR Section 106.44(k)(3)(vi))
       5. The facilitator for the informal resolution process must not be the same person as the investigator or the decisionmaker in the recipient’s grievance procedures. Any person designated by a recipient to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Any person facilitating informal resolution must receive training under 34 CFR 106.8(d)(3). (34 CFR Section 106.44(k)(4))
       6. Potential terms that may be included in an informal resolution agreement include but are not limited to: (34 CFR Section 106.44(k)(5))
          1. Restrictions on contact; and (34 CFR Section 106.44(k)(5)(i))
          2. Restrictions on the respondent’s participation in one or more of the recipient’s programs or activities or attendance at specific events, including restrictions the recipient could have imposed as remedies or disciplinary sanctions had the recipient determined at the conclusion of the recipient’s grievance procedures that sex discrimination occurred. (34 CFR Section 106.44(k)(5)(ii))
   16. A recipient’s grievance procedures for the prompt and equitable resolution of complaints of sex discrimination must be in writing and include provisions that incorporate the requirements of this section. The requirements related to a respondent apply only to sex discrimination complaints alleging that a person violated the recipient’s prohibition on sex discrimination. When a sex discrimination complaint alleges that a recipient’s policy or practice discriminates on the basis of sex, the recipient is not considered a respondent. (34 CFR Section 106.45(a)(1))
       1. The following persons have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the recipient investigate and make a determination about alleged discrimination under Title IX or this part: (34 CFR Section 106.45(a)(2))
          1. A complainant; (34 CFR Section 106.45(a)(2)(i))
          2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; (34 CFR Section 106.45(a)(2)(ii))
          3. The Title IX Coordinator, after making the determination specified in 34 CFR 106.44(f)(1)(v); (34 CFR Section 106.45(a)(2)(iii))
          4. With respect to complaints of sex discrimination other than sex-based harassment, in addition to the persons listed in paragraphs (a)(i) through (iii) of this section, (34 CFR Section 106.45(a)(2)(iv))
          5. Any student or employee; or (34 CFR Section 106.45(a)(2)(iv)(A))
          6. Any person other than a student or employee who was participating or attempting to participate in the recipient’s education program or activity at the time of the alleged sex discrimination. (34 CFR Section 106.45(a)(2)(iv)(B))
   17. A recipient’s grievance procedures must: (34 CFR Section 106.45(b))
       1. Treat complainants and respondents equitably; (34 CFR Section 106.45(b)(1))
       2. Require that any person designated as a Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The decisionmaker may be the same person as the Title IX Coordinator or investigator; (34 CFR Section 106.45(b)(2))
       3. Include a presumption that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the recipient’s grievance procedures for complaints of sex discrimination; (34 CFR Section 106.45(b)(3))
       4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. Major stages include, for example, evaluation (i.e., the recipient’s decision whether to dismiss or investigate a complaint of sex discrimination); investigation; determination; and appeal, if any; (34 CFR Section 106.45(b)(4))
       5. Require the recipient to take reasonable steps to protect the privacy of the parties and witnesses during the pendency of a recipient’s grievance procedures, provided that the steps do not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses, subject to 34 CFR 106.71; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures; (34 CFR Section 106.45(b)(5))
       6. Require an objective evaluation of all evidence that is relevant, as defined in 34 CFR 106.2, and not otherwise impermissible under paragraph (g) of this section—including both inculpatory and exculpatory evidence—and provide that credibility determinations must not be based on a person’s status as a complainant, respondent, or witness; (34 CFR Section 106.45(b)(6))
       7. Exclude the following types of evidence, and questions seeking that evidence, as impermissible (i.e., must not be accessed or considered, except by the recipient to determine whether an exception in paragraphs (i) through (iii) applies; must not be disclosed; and must not otherwise be used), regardless of whether they are relevant: (34 CFR Section 106.45(b)(7))
          1. Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality; (34 CFR Section 106.45(b)(7)(i))
          2. A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party’s or witness’s voluntary, written consent for use in the recipient’s grievance procedures; and (34 CFR Section 106.45(b)(7)(ii))
          3. Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred; and (34 CFR Section 106.45(b)(7)(iii))
       8. If a recipient adopts grievance procedures that apply to the resolution of some, but not all, complaints articulate consistent principles for how the recipient will determine which procedures apply. (34 CFR Section 106.45(b)(8))
   18. Upon initiation of the recipient’s grievance procedures, a recipient must provide notice of the allegations to the parties whose identities are known. (34 CFR Section 106.45(c))
       1. The notice must include: (34 CFR Section 106.45(c)(1))
          1. The recipient’s grievance procedures under this section and any informal resolution process under 34 CFR 106.44(k); (34 CFR Section 106.45(c)(1)(i))
          2. Sufficient information available at the time to allow the parties to respond to the allegations. Sufficient information includes the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination under Title IX or this part, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the recipient; (34 CFR Section 106.45(c)(1)(ii))
          3. A statement that retaliation is prohibited; and (34 CFR Section 106.45(c)(1)(iii))
          4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence as set out in 3.21 of this section; and if the recipient provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party. (34 CFR Section 106.45(c)(1)(iv))
       2. If, in the course of an investigation, the recipient decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided under 3.18 or that are included in a complaint that is consolidated under 3.20, the recipient must provide notice of the additional allegations to the parties whose identities are known. (34 CFR Section 106.45(c)(2))
   19. A recipient may dismiss a complaint of sex discrimination made through its grievance procedures under this section for any of the following reasons: (34 CFR Section 106.45(d)(1)())
       1. The recipient is unable to identify the respondent after taking reasonable steps to do so; (34 CFR Section 106.45(d)(1)(i))
       2. The respondent is not participating in the recipient’s education program or activity and is not employed by the recipient; (34 CFR Section 106.45(d)(1)(ii))
       3. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint under 34 CFR 106.44(f)(1)(v), and the recipient determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX or this part even if proven; or (34 CFR Section 106.45(d)(1)(iii))
       4. The recipient determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX or this part. Prior to dismissing the complaint under this paragraph, the recipient must make reasonable efforts to clarify the allegations with the complainant. (34 CFR Section 106.45(d)(1)(iv))
       5. Upon dismissal, a recipient must promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the recipient must also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. (34 CFR Section 106.45(d)(2))
       6. A recipient must notify the complainant that a dismissal may be appealed and provide the complainant with an opportunity to appeal the dismissal of a complaint on the bases set out in 34 CFR 106.46(i)(1). If the dismissal occurs after the respondent has been notified of the allegations, then the recipient must also notify the respondent that the dismissal may be appealed on the bases set out in 34 CFR 106.46(i)(1). If the dismissal is appealed, the recipient must: (34 CFR Section 106.45(d)(3))
          1. Notify the parties of any appeal, including notice of the allegations consistent with 3.18 if notice was not previously provided to the respondent; (34 CFR Section 106.45(d)(3)(i))
          2. Implement appeal procedures equally for the parties; (34 CFR Section 106.45(d)(3)(ii))
          3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint; (34 CFR Section 106.45(d)(3)(iii))
          4. Ensure that the decisionmaker for the appeal has been trained as set out in 34 CFR 106.8(d)(2); (34 CFR Section 106.45(d)(3)(iv))
          5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and (34 CFR Section 106.45(d)(3)(v))
          6. Notify the parties of the result of the appeal and the rationale for the result. (34 CFR Section 106.45(d)(3)(vi))
       7. A recipient that dismisses a complaint must, at a minimum: (34 CFR Section 106.45(d)(4))
          1. Offer supportive measures to the complainant as appropriate under 34 CFR 106.44(g); (34 CFR Section 106.45(d)(4)(i))
          2. For dismissals under paragraph (c) or (d) of this section in which the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate under 34 CFR 106.44(g); and (34 CFR Section 106.45(d)(4)(ii))
          3. Require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the recipient’s education program or activity under 34 CFR 106.44(f)(1)(vii) (34 CFR Section 106.45(d)(4)(iii))
   20. A recipient may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references in this section and in 34 CFR 106.46 to a party, complainant, or respondent include the plural, as applicable. (34 CFR Section 106.45(e))
   21. A recipient must provide for adequate, reliable, and impartial investigation of complaints. To do so, the recipient must: (34 CFR Section 106.45(f))
       1. Ensure that the burden is on the recipient—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred; (34 CFR Section 106.45(f)(1))
       2. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible; (34 CFR Section 106.45(f)(2))
       3. Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance, consistent with 34 CFR 106.2 and with 3.17(g); and (34 CFR Section 106.45(f)(3))
       4. Provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, consistent with 34 CFR 106.2 and with 3.17(g), in the following manner: (34 CFR Section 106.45(f)(4))
          1. A recipient must provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the recipient provides a description of the evidence, it must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party; (34 CFR Section 106.45(f)(4)(i))
          2. A recipient must provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence described in paragraph (i) of this section; and (34 CFR Section 106.45(f)(4)(ii))
          3. A recipient must take reasonable steps to prevent and address the parties’ unauthorized disclosure of information and evidence obtained solely through the grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized. (34 CFR Section 106.45(f)(4)(iii))
   22. A recipient must provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party’s or witness’s credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. (34 CFR Section 106.45(g))
   23. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence under 3.21 and 3.22, the recipient must: (34 CFR Section 106.45(h))
       1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred, unless the recipient uses the clear and convincing evidence standard of proof in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the recipient may elect to use that standard of proof in determining whether sex discrimination occurred. Both standards of proof require the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness; if the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker must not determine that sex discrimination occurred. (34 Section CFR 106.45(h)(1))
       2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX or this part including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable; (34 CFR Section 106.45(h)(2))
       3. If there is a determination that sex discrimination occurred, as appropriate, require the Title IX Coordinator to coordinate the provision and implementation of remedies to a complainant and other persons the recipient identifies as having had equal access to the recipient’s education program or activity limited or denied by sex discrimination, coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions, and require the Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the recipient’s education program or activity under 34 CFR 106.44(f)(1)(vii). A recipient may not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the recipient’s grievance procedures that the respondent engaged in prohibited sex discrimination; (34 CFR Section 106.45(h)(3))
       4. Comply with 34 CFR 106.45 before the imposition of any disciplinary sanctions against a respondent; and (34 CFR Section 106.45(h)(4))
       5. Not discipline a party, witness, or others participating in a recipient’s grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the recipient’s determination whether sex discrimination occurred. (34 CFR Section 106.45(h)(5))
   24. In addition to an appeal of a dismissal consistent with 3.19(f), a recipient must offer the parties an appeal process that, at a minimum, is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints. (34 CFR Section 106.45(i))
   25. If a recipient adopts additional provisions as part of its grievance procedures for handling complaints of sex discrimination, including sex-based harassment, such additional provisions must apply equally to the parties. (34 CFR Section 106.45(j))
   26. In lieu of resolving a complaint through the recipient’s grievance procedures, the parties may instead elect to participate in an informal resolution process under 34 CFR 106.44(k) if provided by the recipient consistent with that paragraph. (34 CFR Section 106.45(k))
   27. For complaints alleging sex-based harassment, the grievance procedures must: (34 CFR Section 106.45(l))
       1. Describe the range of supportive measures available to complainants and respondents under 34 CFR 106.44(g); and (34 CFR Section 106.45(l)(1))
       2. List, or describe the range of, the possible disciplinary sanctions that the recipient may impose and remedies that the recipient may provide following a determination that sex-based harassment occurred. (34 CFR Section 106.45(l)(2))
   28. A recipient must prohibit retaliation, including peer retaliation, in its education program or activity. When a recipient has information about conduct that reasonably may constitute retaliation under Title IX or this part, the recipient is obligated to comply with 34 CFR 106.44. Upon receiving a complaint alleging retaliation, a recipient must initiate its grievance procedures under 34 CFR 106.45, or, as appropriate, an informal resolution process under 34 CFR 106.44(k). (34 CFR Section 106.71)

### Evidence Requests

#### Title IX Retention

Abbreviation: TtlIXRtntn

Description: Proof of (at least) seven-year retention of all Title IX Complaints, trainings and notification of sex discrimination.

Item Instructions: Signed statement by School Site Principal on letterhead clearly describing the retention of Title IX complaints, trainings and notification of sex discrimination.

Related Items: CRR 03

#### Data on Complaints – Title IX

Abbreviation: DtCmplntsTtlIX

Description: Data related to the number of complaints received over the last two (2) years. Data must include: 1) complaint type, 2) date received, written notice(s)/decision, investigation, supportive measures appeal (if any).

Item Instructions: Must include Title IX complaints – sex-based harassment and sex discrimination. (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: CRR 03

#### Title IX Statement – Students, Parents and General Public

Abbreviation: TtlIXSttmntsStsPrntsGnrlPblc

Description: Title IX Statement prohibiting sex-based harassment and sex discrimination on all publicized materials for students, parents and general public, in conjunction with the continuous notice of nondiscrimination.

Item Instructions: Statement must include Title IX Coordinator(s) name or title, office address, email address, and telephone number. Sample language can be found in the FPM Box.

Related Items: CRR 03

#### Employee Handbook

Abbreviation: EmplHndbk

Description: Employee Handbook(s) or, On-boarding packets for Certificated, Classified and Other Employees.

Item Instructions: CRR 03: Handbook(s) must include the student and employee Title IX grievance procedures and Title IX Coordinator(s) name or title, address, phone number, and email address.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05, CRR 20

#### Parent Handbook(s)

Abbreviation: PrntHndbk(s)

Description: Parent Handbook(s).

Item Instructions: CRR 03: Handbook(s) must include the Title IX grievance policy /procedure and Title IX Coordinator(s) name or title, address, phone number, and email address.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05

#### Publicized Materials

Abbreviation: PblczdMtrls

Description: Publications and materials related to programs and activities offered/provided to students, parents/guardians, employees, and unions or professional organizations holding collective bargaining or professional agreements.

Item Instructions: CRR 03: Program and activity materials must include notification of the recipient’s Title IX grievance procedures and Title IX Coordinator(s) name or title, address, phone number, and email address.

Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05

#### Title IX Grievance Policy and Procedure

Abbreviation: TtlIXGrvncndPlcyPrcdr

Description: Grievance policy and procedure for complaints of sex discrimination and sex-based harassment.

Item Instructions: Procedures of resolution for student and employee complaints with alleged action(s) prohibited under Title IX.

Related Items: CRR 03

#### Student Handbook

Abbreviation: StdntHndbk

Description: Student Handbook(s).

Item Instructions: CRR 03: Handbook(s) must include the recipient’s student Title IX grievance procedures and Title IX Coordinator(s) name or title, address, phone number, and email address.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05

#### Conflict of Interest – Title IX

Abbreviation: CnflctIntrstTtlIX

Description: Submit job description(s) for all administrators/staff identified on the “Title IX Compliance Support Team” document.

Item Instructions: Conflict of Interest will be assessed based upon assigned duties.

Related Items: CRR 03

#### 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: CRR 03

#### Title IX Training – Title IX Team

Abbreviation: TtlIXTrnngTtlIXTm

Description: Upload a copy of 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: Submit a confirmation statement signed by the school site principal certifying that Title IX Team designees have received training appropriate for their roles, and that the training materials are available for review by request from any member of the public.

Related Items: CRR 03

#### Title IX Training – All Staff

Abbreviation: TtlIXTrnngLlStff

Description: Submit a copy of training given to all staff on an annual basis pertaining to Title IX provisions.

Item Instructions: Submit a confirmation statement signed by the school site principal certifying that all school site staff have received training under Title IX provisions.

Related Items: CRR 03

#### Web Posting (Title IX)

Abbreviation: WbPstngTtlIX

Description: Legible screenshot(s) of the Title IX Web posting indicating grievance procedures and the Title IX Coordinator’s name, title, address, phone number, and email address.

Item Instructions: Must provide Title IX web postings for the school site. Web posting to include Title IX grievance procedures for both students and staff.

Related Items: CRR 03

#### Written Notices

Abbreviation: WrttnNtcs

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 Title IX. If applicable, all personally identifiable information must be redacted from submission.

Related Items: CRR 03

#### Written Determination

Abbreviation: WrttnDtrmntn

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 Title IX. If applicable, all personally identifiable information must be redacted from submission.

Related Items: CRR 03

## CRR 04: Title II and Grievance Procedures

1. A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph. ((28 CFR Section 35.101) (28 CFR Section 35.107(a))
   1. A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part. (28 CFR Section 35.107(b))

*Related California Law*:

District/school assigned person(s) to coordinate 504, Title II, Title IX activities and CCR, Title 5. This (these) person(s) must be aware of their duties and responsibilities and have the training necessary to carry out their responsibilities. (CCR, Title 5, Section 4961). District/school lists coordinators of 504, Title II, Title IX and CCR Title 5 with their name/title, address, and phone number in the notice of nondiscrimination. (5 CCR Section 4961)

### Evidence Requests

#### Data on Complaints

Abbreviation: DtCmplnts

Description: Data related to the number of complaints received over the last two (2) years. Data must include: 1) complaint type, 2) dates received, time extension letter (if any), resolution, appeal (if any) and 3) outcome of any complaint investigations.

Item Instructions: Include ADA/Title II complaints.

Related Items: CRR 03, CRR 04, CRR 05

#### Employee Handbook

Abbreviation: EmplHndbk

Description: Employee handbook(s).

Item Instructions: CRR 04: Handbook(s) must include ADA/Title II Coordinator(s) name, title, address and phone number and the ADA/Title II grievance policy and procedure.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05, CRR 20

#### Parent Handbook(s)

Abbreviation: PrntHndbk(s)

Description: Parent Handbook(s).

Item Instructions: CRR 04: Handbook(s) must include ADA/Title II Coordinator(s) name, title, address, and phone number and the ADA/Title II grievance procedure.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05

#### Student Handbook

Abbreviation: StdntHndbk

Description: Student handbook(s).

Item Instructions: CRR 04: Handbook(s) must include the ADA/Title II Coordinator(s) name, title, address, and phone number and the ADA/Title II grievance procedure.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05

#### Title II Grievance Procedures

Abbreviation: TtlIIGrvncPrcdr

Description: ADA/Title II Grievance Procedure.

Item Instructions: Adopted board policy for the resolution of complaints with alleged action(s) prohibited under ADA/Title II.

Related Items: CRR 04

#### Web Posting (Title II)

Abbreviation: WbPstngTtlI

Description: Legible screenshot(s) of the posting indicating grievance procedures and the ADA/Title II Coordinator’s name, title, address, and phone number.

Item Instructions: Must display the ADA/Title II Coordinator’s contact information and grievance procedures.

Related Items: CRR 04

## CRR 05: Section 504 and Grievance Procedures

1. A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part. (34 CFR Section 104.7(a))
   1. A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504. (34 CFR 104.7(b))
   2. A recipient 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). (34 CFR 104.8(a))
   3. 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))
   4. If a recipient 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) . 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))

*Related California Law*:

California laws also provide added protection on the basis of actual or perceived ancestry, ethnicity, gender, gender identity, gender expression, immigration status, religion, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics.

All complaints or allegations of discrimination will be kept confidential during any informal and/or formal complaint procedures except when disclosure is necessary during the course of an investigation in order to take subsequent remedial action and to conduct ongoing monitoring. (5 CCR, Sections 4621, 4960 et seq.; EC Sections 200, 220, and 260)

### Evidence Requests

#### Data on Complaints

Abbreviation: DtCmplnts

Description: Data related to the number of complaints received over the last two (2) years. Data must include: 1) complaint type, 2) dates received, time extension letter (if any), resolution, appeal (if any) and 3) outcome of any complaint investigations.

Item Instructions: Section 504 complaints.

Related Items: CRR 03, CRR 04, CRR 05

#### Employee Handbook

Abbreviation: EmplHndbk

Description: Employee handbook(s)

Item Instructions: CRR 05: Handbook(s) must include the Section 504 Coordinator(s) name, title, address, and phone number and the Section 504 grievance procedures.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05, CRR 20

#### Section 504 Grievance Procedures

Abbreviation: Sctn504GrvncPrcdr

Description: The recipient’s Section 504 grievance procedures.

Item Instructions: Adopted policy on grievance procedures for complaints with alleged action(s) prohibited under Section 504.

Related Items: CRR 05

#### Parent Handbook(s)

Abbreviation: PrntHndbk(s)

Description: Parent Handbook(s).

Item Instructions: CRR 05: Handbook(s) must include the 504 Coordinator(s) name, title, address, and phone number and the Section 504 grievance procedures.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05

#### Publicized Materials

Abbreviation: PblczdMtrls

Description: Publications and materials related to the programs and activities offered/provided to students, parents/guardians, and employees, and unions or professional organizations holding collective bargaining or professional agreements.

Item Instructions: CRR 05: Materials must include the 504 Coordinator(s)’ name, title, address, and phone number and, a statement regarding the 504 Grievance Procedures.

Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05

#### Student Handbook

Abbreviation: StdntHndbk

Description: Student Handbook(s).

Item Instructions: CRR 05: Handbook(s) must include the Section 504 Coordinator(s) name, title, address, and phone number and a statement regarding the Section 504 grievance procedures.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05

#### Webpage – Notification Postings

Abbreviation: WbpgNtfctnPstngs

Description: Legible screenshot of websites which shows the continuous nondiscrimination notice with Title IX Coordinator(s) name/title, address, phone number, and email address and Title II, and Section 504 Coordinators’ name/title, address, and phone number.

Item Instructions: CRR 05: Web sites must include the Section 504 Coordinator(s) name, title, address, and phone number.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05

## CRR 06: Recruitment

1. Student recruitment activities and materials shall convey the message that all CTE programs are open to all students without regard to race, color, national origin, sex, or disability. Where recruitment activities involve the presentation or portrayal of vocational and career opportunities, the curricula and programs described should cover a broad range of occupational opportunities and not be limited on the basis of race, color, national origin, sex, or disability of the students or potential students to whom the presentation is made. To the extent possible, recruiting teams should represent persons of different races, national origins, sexes, and disabilities. (34 CFR Appendix B to Part 100 V.C. and V.E.)

*Related California Law*:

California laws also provide added protection on the basis of actual or perceived ethnicity, gender, gender identity, gender expression, immigration status, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. (5 CCR, Section 4900 et seq; EC Sections 200, 220, and 221.5)

### Evidence Requests

#### CTE Program Staff Demographics

Abbreviation: CTEPrgrmStffDmgrphcs

Description: Race, disability, national origin, and sex demographics of recipient’s CTE program staff separated by programs. Do not include any personally identifiable information in upload(s).

Item Instructions: Demographics must be provided on recipient letterhead and signed by the site principal.

Related Items: CRR 06

#### Description of Recruitment Activities

Abbreviation: DscrptnRcrtmntActvts

Description: Descriptions of all CTE recruitment activities conducted by the recipient. Must include a description of all activities at off-site locations (i.e. – feeder schools).

Item Instructions: Descriptions must be provided on recipient letterhead and signed by the school site principal.

Related Items: CRR 06

#### Recruitment Plans

Abbreviation: RcrtmntPlns

Description: List of CTE recruitment plans with description of programs which are required to be open to all students without regard to race, color, national origin, sex, or disability.

Item Instructions: A description or schedule of planned activities and events for current academic year demonstrating the recruitment of students by each protected characteristic; access to all programs for all students.

Related Items: CRR 06

#### Recruitment Plans for English Language Learner Students

Abbreviation: RcrtmntPlnsEngLngLrnrStdnts

Description: List of CTE recruitment plans for recruiting English Language Learner prospective and enrolled students.

Item Instructions: A description or schedule of planned activities and events for current academic year.

Related Items: CRR 06

#### Outreach to Students with Disabilities

Abbreviation: OtrchToStdntsWthDsblts

Description: Outreach plans for recruiting prospective and plan used for the recruitment of enrolled students with disabilities into the CTE program.

Item Instructions: CRR 06: Description or schedule must include outreach planned activities and events for inviting students with disabilities to participate in CTE program(s).

Related Items: CRR 06, CRR 15

#### Recruitment Publicized Materials

Abbreviation: RcrtmntPblczdMtrls

Description: All CTE recruitment materials (e.g., brochures, flyers, newsletters, trifolds, PowerPoints, electronic resources, etc.). Materials must contain continuous nondiscrimination notice with ADA/Title II, 504, and Title IX Coordinator(s) contact information.

Item Instructions: CRR 06: Materials must cover a broad range of occupational opportunities and not be limited on the basis of race, color, national origin, sex, or disability of the students or potential students to whom the presentation is made.

Related Items: CRR 01, CRR 06

#### Recruitment Team Demographics

Abbreviation: RcrtmntTmDmgrphcs

Description: Race disability, national origin, and sex demographics of the recipient’s CTE recruitment team. Do not include any personally identifiable information in upload(s).

Item Instructions: Demographics must be provided on recipient letterhead and signed by the site principal.

Related Items: CRR 06

## CRR 07: Promotional Activities

1. Districts and schools may not undertake promotional efforts in a manner that creates or perpetuates stereotypes or limitations based on race, color, national origin, sex, or disability. Materials that are part of promotional efforts may not create or perpetuate stereotypes through text or illustration. To the extent possible they should portray males or females, minorities or handicapped persons in programs and occupations in which these groups traditionally have not been represented. (34 CFR Appendix B to Part 100 V.E.)
   1. If a recipient’s service area(s) contains a community of national origin minority persons of limited English language skills, promotional literature must be distributed to that community in its language. (34 CFR Appendix B to Part 100 V.E.)

### Evidence Requests

#### CTE Promotional Materials

Abbreviation: CTEPrmtnlMtrls

Description: Materials and/or media presentations which show persons of varying races, male and female persons, persons with disabilities, and persons of a variety of national origins.

Item Instructions: Materials must include the nondiscrimination notice with Title IX Coordinator(s) name or title, address, phone number, and email address and ADA/Title II~~,~~ and Section 504 Coordinator(s) name, title, address, and phone number.

Related Items: CRR 07

#### CTE Promotional Materials in Other Languages

Abbreviation: CTEPrmtnlMtrlsOthrLngs

Description: Recipient’s translated CTE promotional materials distributed in the language minority communities.

Item Instructions: CRR 07: Translated promotional materials must include the continuous nondiscrimination notice with the Title IX Coordinator(s) name or title, address, phone number, and email address and Title II~~,~~ and Section 504 Coordinator(s) name, title, address, and phone number.

Related Items: CRR 07, CRR 11

#### Identification of Limited English Proficient Surrounding Community

Abbreviation: IdntfctnOfLmtdEngPrfCmmnty

Description: Recipient’s process to identify and communicate with the census of the language minority communities in the surrounding service areas.

Item Instructions: Identification process must be provided on recipient letterhead and signed by the school site principal. U.S. Census data showing the LEP community demographic must be part of the submission.

Related Items: CRR 07

## CRR 08: Admissions

1. Recipients may not judge candidates for admission to vocational education programs on the basis of criteria that have the effect of disproportionately excluding persons of a particular race, color, national origin, sex, or handicap. However, if a recipient can demonstrate that such criteria have been validated as essential to participation in a given program and that alternative, equally valid criteria that do not have such a disproportionate adverse effect are unavailable, the criteria will be judged nondiscriminatory. Examples of admissions criteria that must meet this test are past academic performance, record of disciplinary infractions, counselors' approval, teachers' recommendations, interest inventories, high school diplomas and standardized tests, such as the Test of Adult Basic Education (TABE). (34 CFR Appendix B to Part 100 IV.K.)
   1. An introductory, preliminary, or exploratory course may not be established as a prerequisite for admission to a program unless the course has been and is available without regard to race, color, national origin, sex, and handicap. However, a course that was formerly only available on a discriminatory basis may be made a prerequisite for admission to a program if the recipient can demonstrate that: (a) The course is essential to participation in the program; and (b) the course is presently available to those seeking enrollment for the first time and to those formerly excluded. (34 CFR Appendix B to Part 100 IV.K.)
   2. A recipient must not deny access to CTE and academic programs or courses to students with a disability on the basis that employment opportunities in any occupation or profession may be more limited for disabled persons than for nondisabled persons. (34 CFR Appendix B to Part 100 IV.N.; 34 CFR Section 104.10 and 104.43(c))

*Related California Law*:

California laws also provide added protection on the basis of actual or perceived ethnicity, gender, gender identity, gender expression, immigration status, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. (5 CCR, Section 4900 et seq; EC Sections 200 and 220)

### Evidence Requests

#### CTE Admissions Policy and Process

Abbreviation: CTEAdmsnsPlcyPrcs

Description: Recipient’s admissions policy and process for CTE programs, including procedures for selective CTE admissions.

Item Instructions: If not applicable, a statement must be provided on school site letterhead and signed by the school site principal.

Related Items: CRR 08

#### Demographics of CTE Applicants

Abbreviation: DmgrphcsCTEApplcnts

Description: CTE admissions data showing all accepted/selected and rejected student applicants. Include the demographics of race, color, sex, disability, national origin.

Item Instructions: Demographics data must include the total number of students. If not applicable, a statement must be provided on school site letterhead and signed by the school site principal.

Related Items: CRR 08

#### Demographics of English Language Learner Applicants

Abbreviation: DmgphcsEngLngLrnrApplcnts

Description: CTE admissions data identifying accepted/selected and rejected students with limited English language skills.

Item Instructions: CRR 08: Demographics data must include the total number of English learner students accepted/rejected along with an explanation for each rejected admission. If applications are not used, please provide a statement on letterhead, signed by the school site principal.

Related Items: CRR 08, CRR 11

#### Demographics of English Language Learner Students

Abbreviation: DmgphcsEngLngLrnrStdnts

Description: Enrollment and placement data identifying the number of English Language Learner students in the recipient’s CTE program(s).

Item Instructions: CRR 08: Demographics data must be categorized by CTE program(s) with the total number of English learner students enrolled.

Related Items: CRR 08, CRR 11

#### Demographics of Students with Disabilities

Abbreviation: DmgphcsStdntsWthDsblts

Description: Enrollment and placement data identifying the number of students with disabilities in the recipient’s CTE program(s).

Item Instructions: CRR 08: Demographics data must be categorized by CTE program(s) with the total number of students with disabilities enrolled.

Related Items: CRR 08, CRR 14

#### Student Applications

Abbreviation: StdntAplctns

Description: Sample student applications, if applicable.

Item Instructions: CRR 08: Student applications for CTE must include the nondiscrimination notice with the Title IX Coordinator(s) name or title, address, phone number, and email address and Title II and Section 504 Coordinator(s) name, title, address, and phone number.

Related Items: CRR 01, CRR 08, CRR 09

## CRR 09: Student Eligibility

1. Recipients may not develop, impose, maintain, approve, or implement student admission eligibility criteria to CTE schools, facilities, and programs that discriminates on the basis of race, color, national origin, sex, or disability. (34 CFR Appendix B to Part 100 IV.A.)

*Related California Law*:

California laws provide added protection on the basis of actual or perceived ancestry, ethnicity, gender, gender identity, gender expression, immigration status, religion, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. (5 CCR, Sections 4920–27; EC Sections 200, 220 and 221.5)

### Evidence Requests

#### CTE Eligibility Criteria

Abbreviation: CTEElgbltyCrtr

Description: Eligibility criteria for recipient’s CTE program(s), school(s), and facilities.

Item Instructions: If not applicable, a statement must be provided on letterhead and signed by the school site principal describing in detail the lack of an eligibility criteria.

Related Items: CRR 09

#### Student Applications

Abbreviation: StdntAplctns

Description: Sample student applications, if applicable.

Item Instructions: CRR 09: If not applicable, a statement must be provided on letterhead and signed by the school site principal describing in detail the lack of applications.

Related Items: CRR 01, CRR 08, CRR 09

## CRR 10: Residency

1. A recipient may not establish, approve, or maintain geographic boundaries for a CTE service area or attendance zone that unlawfully excludes students on the basis of race, color, or national origin. (34 CFR Appendix B to Part 100 IV.C.)

*Related California Law*:

California laws also provide added protection on the basis of actual or perceived ancestry, ethnicity, gender, gender identity, gender expression, immigration status, religion, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. (5 CCR, Section 4900 et seq; EC Sections 200 and 220)

### Evidence Requests

#### Demographics of Adjoining Service Area(s) of Facility

Abbreviation: DmgphcsAdjngSrvcFclty

Description: A map of any off campus CTE facilities and demographics of students of those classes.

Item Instructions: Demographics must be categorized by CTE program(s) with the number of students enrolled. If not applicable, a statement must be provided on letterhead, signed by the school site principal describing in detail the lack of an off campus CTE facilities.

Related Items: CRR 10

#### Maps of Attendance Zones

Abbreviation: MpsAttndcZns

Description: Maps of attendance zones with outlined district/ school site boundaries.

Item Instructions: Maps must clearly show boundaries of the selected school site.

Related Items: CRR 10

## CRR 11: English Language Learner Admissions

1. Recipients may not restrict admission to CTE programs because the applicant, as a member of a national origin minority group with limited English language skills, cannot participate in and benefit from CTE to the same extent as students whose primary language is English. (34 CFR Appendix B to Part 100 IV.L.1)
   1. It is the responsibility of the recipient to identify such applicants and assess their ability to participate in vocational instruction. Acceptable methods of identification include: (1) Identification by administrative staff, teachers, or parents of secondary level students; (2) identification by the student in postsecondary or adult programs; and (3) appropriate diagnostic procedures, if necessary. (34 CFR Appendix B to Part 100 IV.L)
   2. Recipients must take steps to open all vocational programs to these national origin minority students. A recipient must demonstrate that a concentration of students with limited English language skills in one or a few programs is not the result of discriminatory limitations upon the opportunities are available to such students. (34 CFR Appendix B to Part 100 IV.L.)

*Related California Law*:

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, as determined from the census data submitted in the preceding year, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the public school or school district shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (EC Section 48985)

### Evidence Requests

#### CTE Promotional Materials in Other Languages

Abbreviation: CTEPrmtnlMtrlsOthrLngs

Description: Recipient’s translated CTE promotional materials distributed in the language minority communities.

Item Instructions:

Related Items: CRR 07, CRR 11

#### Demographics of English Language Learner Applicants

Abbreviation: DmgrphcsEngLngLrnrAplcnts

Description: CTE admissions data identifying accepted/selected and rejected students with limited English language skills.

Item Instructions: If no such applications exist, submit a statement of letterhead explain such information.

Related Items: CRR 08, CRR 11

#### Demographics of English Language Learner Students

Abbreviation: DmgphcsEngLngLrnrStdnts

Description: Enrollment and placement data identifying the number of English Language Learner students in the school site’s CTE program(s).

Item Instructions:

Related Items: CRR 08, CRR 11

#### Plans for English Language Learner Students

Abbreviation: PlnsfrEngLngLrnrStdnts

Description: Written plan to outline the steps to prevent discriminatory limitations for English Language Learner students.

Item Instructions:

Related Items: CRR 11

## CRR 12: Counseling

1. Recipients must ensure that their counseling materials and activities (including student program selection and career/employment selection), promotional, and recruitment efforts do not discriminate on the basis of race, color, national origin, sex, or disability. (28 CFR Section 35.130; 34 CFR Sections 106.36 (a), 106.21(a) and (b), and 106.34; 34 CFR Sections 104.4(a), 104.34(a) and (c), and 104.47(b); 34 CFR Appendix B to Part 100 V.A.)
   1. Recipients that operate CTE programs must ensure that counselors do not direct or urge any student to enroll in a particular career or program, or measure or predict a student’s prospects for success in any career or program based upon the student’s race, color, national origin, sex, or disability. Recipients may not counsel students with disabilities toward more restrictive career objectives than nondisabled students with similar abilities and interests. If a vocational program disproportionately enrolls male or female students, minority or nonminority students, or disabled students, recipients must take steps to ensure that the disproportion does not result from unlawful discrimination in counseling activities. (34 CFR Appendix B to Part 100 V.B.; 34 CFR Section 104.47(b); 34 CFR Sections 106.34 and 106.36(c))
   2. Districts and schools must ensure that counselors can effectively communicate with students with limited English proficiency and with students with sensory impairments. (34 CFR Appendix B to Part 100 V.D.)

*Related California Law*:

California laws provide added protection on the basis of actual or perceived ancestry, ethnicity, gender, gender identity, gender expression, immigration status, religion, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. (5 CCR, Section 4900 et seq; EC Sections 200 and 220)

### Evidence Requests

#### CTE Assessment Surveys

Abbreviation: CTEAssmntSrvys

Description: CTE Assessment plan(s) with a description of assessment surveys administered to assist students with participating in the school site’s CTE program.

Item Instructions: Career assessments or exploratory surveys administered to students.

Related Items: CRR 12

#### Calendar of Counseling and Pre-CTE Activities

Abbreviation: ClndrCnslngPrCTEActvts

Description: Calendar(s), with dates, outlining all CTE-related counseling activities and any pre-CTE activities.

Item Instructions:

Related Items: CRR 12

#### Counseling Materials

Abbreviation: CnslngMtrls

Description: Counseling materials which illustrate that all CTE programs and activities are open to all students regardless of gender or disability.

Item Instructions: Publicized materials must include the nondiscrimination notice with Title IX, ADA/Title II and Section 504 Coordinator(s) contact information.

Related Items: CRR 12

#### Counseling Materials in Other Languages

Abbreviation: CnslngMtrlsOthrLngs

Description: Counseling materials which illustrate that all CTE programs and activities are open to all students regardless of gender or disability which have been distributed in primary language of the language minority communities.

Item Instructions: Publicized materials must include the continuous nondiscrimination notice with Title IX, ADA/Title II and Section 504 Coordinator(s) contact information.

Related Items: CRR 12

#### Counseling Plan, Policy, or Procedure

Abbreviation: CnslngPlnPlcyPrcdr

Description: Guidance plan, policy, or procedure related to the recipient’s CTE program(s).

Item Instructions: Plan, policy, or procedure must outline CTE program(s) available for all students at the school site.

Related Items: CRR 12

#### Revised Counseling Materials

Abbreviation: RvsdCnslngMtrls

Description: Counseling materials or activities that have been revised in response to disproportional CTE enrollments.

Item Instructions: If no revision has occurred, submit description of process in place to identify disproportional CTE enrollments, on letterhead and signed by the school site principal.

Related Items: CRR 12

## CRR 13: Pregnancy and Parenting Status

1. A recipient must not adopt or implement any policy, practice, or procedure concerning a student’s current, potential, or past parental, family, or marital status that treats students differently on the basis of sex (34 CFR Section 106.40(a))
   1. A recipient must not discriminate in its education program or activity against any student based on the student’s current, potential, or past pregnancy or related conditions. A recipient does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a portion of its education program or activity provided the recipient ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions. (34 CFR Section 106.40(b)(1)).
      1. A recipient must ensure that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student’s pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator’s contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student’s equal access to the recipient’s education program or activity. (34 CFR Section 106.40(b)(2)).
      2. A recipient must take specific actions under paragraphs (b)(3)(i) through (vi) of this section to promptly and effectively prevent sex discrimination and ensure equal access to the recipient’s education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student’s pregnancy or related conditions. The Title IX Coordinator must coordinate these actions. (34 CFR Section 106.40(b)(3)).
         1. The recipient must inform the student, and if applicable, the person who notified the Title IX Coordinator of the student’s pregnancy or related conditions and has a legal right to act on behalf of the student, of the recipient’s obligations under paragraphs (b)(1) through (5) of this section and 34 CFR 106.44(j) and provide the recipient’s notice of nondiscrimination under 34 CFR 106.8(c)(1). (34 CFR Section 106.40(b)(3)(i)).
         2. The recipient must make reasonable modifications to the recipient’s policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the recipient’s education program or activity. Each reasonable modification must be based on the student’s individualized needs. In determining what modifications are required under this paragraph, the recipient must consult with the student. A modification that a recipient can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification (34 CFR Section 106.40(b)(3)(ii)(A)).
         3. The student has discretion to accept or decline each reasonable modification offered by the recipient. If a student accepts a recipient’s offered reasonable modification, the recipient must implement it. (34 CFR Section 106.40(b)(3)(ii)(B)).
         4. Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures. (34 CFR Section 106.40(b)(3)(ii)(C))
   2. The recipient must allow the student to voluntarily access any separate and comparable portion of the recipient’s education program or activity under paragraph (b)(1) of this section. (34 CFR Section 106.40(b)(3)(iii))
   3. The recipient must allow the student to voluntarily take a leave of absence from the recipient’s education program or activity to cover, at minimum, the period of time deemed medically necessary by the student’s licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by a recipient that allows a greater period of time than the medically necessary period, the recipient must permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to the recipient’s education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began. (34 CFR Section 106.40(b)(3)(iv))
   4. The recipient must ensure that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed. (34 CFR Section 106.40(b)(3)(v))
   5. A recipient must not require supporting documentation under paragraphs (b)(3)(ii) through (v) unless the documentation is necessary and reasonable for the recipient to determine the reasonable modifications to make or whether to take additional specific actions under paragraphs (b)(3)(ii) through (v). Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student’s need for a specific action under paragraphs (b)(3)(ii) through (v) is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the recipient with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action under paragraphs (b)(3)(ii) through (v) is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation. (34 CFR Section 106.40(b)(3)(vi))
   6. To the extent consistent with paragraph (b)(3) of this section, a recipient must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the recipient administers, operates, offers, or participates in with respect to students admitted to the recipient’s education program or activity. (34 CFR Section 106.40(b)(4))
   7. A recipient must not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the recipient’s class, program, or extracurricular activity unless: (34 CFR Section 106.40(b)(5))
      1. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity; (34 CFR Section 106.40(b)(5)(i))
      2. The recipient requires such certification of all students participating in the class, program, or extracurricular activity; and (34 CFR Section 106.40(b)(5)(ii))
      3. The information obtained is not used as a basis for discrimination prohibited by this part. (34 CFR Section 106.40(b)(5)(iii))
   8. 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.” The 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)(2)(iii))

### Evidence Requests

#### Comparison of Student Schedules

Abbreviation: CmprsnStdntSchdls

Description: Submit labeled class schedules for three pregnant, parenting, or lactating students and three non-pregnant, non-parenting or non-lactating students in the same grade levels from the current academic year. Student identifying information must be redacted.

Item Instructions: If there are no pregnant, parenting and lactating students enrolled at the school site, submit a statement on letterhead signed by the school site principal stating there are no such students enrolled.

Related Items: CRR 13

#### Confirmation Statement

Abbreviation: CnfrmtnSttmnt

Description: Statement on LEA letterhead, signed by the school site principal outlining the number of lactating students currently enrolled in the school and a list of accommodations for those students.

Item Instructions: If there are no lactating students, a statement that there are no lactating students at the school site must be submitted on letterhead and signed by the principal.

Related Items: CRR 13

#### Married, Pregnant, and Parenting Student Policy

Abbreviation: MrrdPrgnntPrntngStdntPlcy

Description: Current board policy, with approval/adoption date(s), related to a student’s parental, pregnancy, and/or marital status and which outlines the accommodations available to lactating students.

Item Instructions: Include the accommodations available to pregnant/parenting students. See CRR 13.1 - 13.8.

Related Items: CRR 13

## CRR 14: Student Financial Assistance

1. Recipients may not award financial assistance in the form of loans, grants, scholarships, special funds, subsidies, compensation for work, or prizes to CTE students on the basis of race, color, national origin, sex, or disability, except to overcome the effects of past discrimination. Recipients may administer sex-restricted financial assistance where the assistance and restriction are established by will, trust, benefit, or any similar legal instrument, if the overall effect of all financial assistance awarded does not discrimination on the basis of sex. Materials and information used to notify students of opportunities for financial assistance may not contain language or examples that would lead applicants to believe the assistance is provided on a discriminatory basis. If a recipient’s service area contains a community of national origin minority persons with limited English language skills, such information must be disseminated to that community in its language. (34 CFR Appendix B to Part 100 VI.B.; 34 CFR Section 104.46(a); 34 CFR Section 106.37(a–b))

### Evidence Requests

#### Awards, Scholarships, and Other Financial Assistance

Abbreviation: AwrdsSchlrshpsFnclAstnc

Description: List of scholarships, awards, and other types of financial assistance awarded to students in the previous academic year.

Item Instructions: Description of source(s) awarded must be provided on letterhead and signed by the school site principal.

Related Items: CRR 14

#### Financial Assistance

Abbreviation: FnclAstnc

Description: Materials and information which indicates how financial assistance is made available to students.

Item Instructions: Publicized materials and information must notify students and parents of the financial assistance opportunities available.

Related Items: CRR 14

## CRR 15: Services for Students with Disabilities

1. Recipients may not deny students with disabilities access to vocational education programs or courses because of architectural or equipment barriers, or because of the need for related aids and services or auxiliary aids. (34 CFR Appendix B to Part 100 IV.; 34 CFR Section 104.4(a); 28 CFR Section 35.130(a))
   1. No qualified person with a disability is excluded from, denied benefits of, or subjected to discrimination in any course, program, service, or activity solely on the basis of disability. (34 CFR Appendix B to Part 100 IV.; 34 CFR Section 104.4(a); 28 CFR Section 35.130(a))
   2. A recipient that operates an elementary or secondary education program or activity must provide a free, appropriate public education (FAPE) to each qualified disabled person in its jurisdiction, regardless of the nature or severity of the person’s disability. (34 CFR Section 104.33(a))
   3. The recipient must have a system in place for the identification, evaluation, and educational placement of persons who, because of a disability, need or are believed to need special education or related services. Placement decisions must be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation, data, and the placement options. (34 CFR Sections 104.33(b), 104.35(c), and 104.36)
   4. A recipient that operates a public elementary or secondary education program or activity shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of a disability, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with the opportunity for participation by the person’s parents or guardian and representation by counsel, and a review procedure. (34 CFR Section 104.36)
   5. Disabled secondary students must be placed in the regular educational environment of any CTE, academic, physical education, athletic, or other school program or activity to the maximum extent appropriate to their needs with the use of supplementary aids and services unless it can be demonstrated that such cannot be achieved satisfactorily. (34 CFR Appendix B to Part 100 VI.A; 34 CFR Sections 104.34(a) and (b); 38 CFR Section 35.130(d))
   6. Secondary students with disabilities are placed in a CTE program only when the 504 FAPE requirements for evaluation, placement, and procedural safeguards have been satisfied. (34 CFR Section 104.35(a); 34 CFR Appendix B to Part 100 VI.A.)

### Evidence Requests

#### Aids Available for Students with Disabilities

Abbreviation: AdsAvlblFrStdntsWthDsblts

Description: Sample and/or examples of related aids and services or auxiliary aids available for students with disabilities at the school site.

Item Instructions: A statement on letterhead, signed by the school site principal with a detailed description of the aids available may be submitted as evidence.

Related Items: CRR 15

#### Demographics of Students with Disabilities

Abbreviation: DmgphcsStdntsWthDsblts

Description: Enrollment and placement data identifying the number of students with disabilities in the school site CTE program(s).

Item Instructions:

Related Items: CRR 08, CRR 15

#### Individual Education Plans

Abbreviation: IndvdlEdctnPlns

Description: Sampling of the Individual Education Plans (IEPs) / IDEA. All student identifying information must be redated.

Item Instructions:

Related Items: CRR 15

#### Outreach to Students with Disabilities

Abbreviation: OtrchToStdntsWthDsblts

Description: Outreach plans for recruiting prospective and enrolled students with disabilities into the CTE program.

Item Instructions: Description or schedule must include outreach planned activities and events for inviting students with disabilities to participate in CTE program(s).

Related Items: CRR 06, CRR 15

#### Section 504 Plans

Abbreviation: Sctn504Plns

Description: Sampling of the Section 504 Plans (504s) of enrolled students. All student identifying information must be redacted.

Item Instructions:

Related Items: CRR 15

#### Procedural Safeguards

Abbreviation: PrcdrlSfgrds

Description: Procedural Safeguards for students who are on a Section 504 plan or an Individualized Education Plan (IEP).

Item Instructions:

Related Items: CRR 15

## CRR 16: Comparable Facilities

1. If a recipient operates a facility that is identified as being for students with disabilities, the recipient shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient. (34 CFR Appendix B to Part 100 VI.A.; 34 CFR. Section 104.34(c))
   1. Recipients must provide changing rooms, showers, and other facilities for students of one sex that are comparable to those provided by students of the other sex. This may be accomplished by alternating the use of the same facilities or by providing separate, comparable facilities. (34 CFR Section 106.33; 34 CFR Appendix B to Part 100 VI.D.)

### Evidence Requests

#### Demographics of Students by Sex

Abbreviation: DmgrphcsStdntsBySx

Description: Data indicating the number of male, female, and gender nonconforming students enrolled in the recipient’s CTE program(s).

Item Instructions: Demographics data must be categorized by CTE program(s) with the total number of students enrolled by sex.

Related Items: CRR 16

#### Review of Facilities

Abbreviation: RvwFclts

Description: Floor plans of showers, changing rooms, and other gender-specific facilities near or in the CTE areas.

Item Instructions: Floorplan must show facilities for students of one sex are as comparable to students of another sex.

Related Items: CRR 16

#### Site and Floor Plans

Abbreviation: StFlrPlns

Description: Legible site plan of school which identifies CTE classes, paths of travel to and from CTE classes, floor plans of showers, restrooms, lockers rooms.

Item Instructions: Site plans must clearly indicate the required information.

Related Items: CRR 16, CRR 21

## CRR 17: CTE Facility Site Selection

1. A recipient may not select or approve a site for a CTE facility that has the purpose of or with the effect of excluding, segregating, or otherwise discriminating against students on the basis of race, color, or national origin. (34 CFR Appendix B to Part 100 IV.B.)
   1. Recipients must locate CTE facilities at sites that are readily accessible to both minority and nonminority communities and that do not tend to identify the facility or program as intended for minority or nonminority students. (34 CFR Appendix B to Part 100 IV.B.)

*Related California Law*:

California laws provide added protection on the basis of actual or perceived ancestry, ethnicity, gender, gender identity, gender expression, religion, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. (5 CCR, Section 4900 et seq.; EC Sections 200 and 220)

### Evidence Requests

#### Demographics of Surrounding Communities

Abbreviation: DmgrphcsSrndngCmnts

Description: Demographics of the surrounding communities within the CTE program(s) boundaries.

Item Instructions: Demographics must include information regarding race and national origin. U.S. Census data must be included in the submission.

Related Items: CRR 17

#### Maps Showing Location of CTE Facilities

Abbreviation: MpsShwngLctnsCTEFclts

Description: Map of all CTE facilities on and off campus.

Item Instructions: Must identify the location(s) of all CTE facilities.

Related Items: CRR 17

## CRR 18: Modifications/Alterations

1. A recipient may not add to, modify, or renovate the physical plan of a CTE facility in a manner that creates, maintains, or increases segregation on the basis of race, color, national origin, sex, or disability. (34 CFR Appendix B to Part 100 IV.D.)

*Related California Law*:

California laws provide added protection on the basis of actual or perceived ancestry, ethnicity, gender, gender identity, gender expression, religion, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. (5 CCR, Section 4900 et seq.; EC Sections 200 and 220)

### Evidence Requests

#### Maps Showing Location of Modified CTE Facilities

Abbreviation: MpsShwngLctnsMdfdCTEFclts

Description: Map identifying the location of modified/altered CTE facilities. Include the name of building(s), date(s) of modification(s), and identify all CTE classrooms.

Item Instructions: Site map must identify locations of modified/altered CTE facilities.

Related Items: CRR 18

#### Student Demographics Before and After CTE Facility Modifications

Abbreviation: StndtDmgrphcsBfrAftrFcltyMdfctns

Description: Demographics of students enrolled in school site’s CTE program(s) before and after facility modifications/alterations.

Item Instructions: Before and After demographics must be submitted. Demographic information must include students race, sex, disability, and national origin.

Related Items: CRR 18

## CRR 19: Work-Study, Cooperative Education, Job Placement and Apprenticeship Training

1. Opportunities in work-study, cooperative education, and job placement programs are available to all students regardless of race, color, national origin, sex, or disability. (34 CFR Section 100.3(b); 34 CFR Section 106.31(d); 34 CFR Section 104.4(b); 34 CFR Appendix B to Part 100 VII.A.)
   1. A recipient that assists employers and prospective employers in making employment opportunities available to any of its students must ensure that the employer and prospective employers do not discriminate on the basis of race, color, national origin, sex, or disability in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility, and pay. (34 CFR Section 100.3(b); 34 CFR Section 106.38; 34 CFR Section 104.46(b); 34 CFR Appendix B to Part 100 VII.A.)
   2. A recipient may not enter into an agreement for the provision or support of apprentice training for students or union members with any labor union or other sponsor that discriminates against its members or applicants on the basis of race, color, national origin, sex, or disability. If a recipient enters into a written agreement with a labor union or other sponsor providing for apprentice training, the agreement must contain an assurance from the union or other sponsor: (1) That it does not engage in such discrimination against its membership or applicants for membership; and (2) that apprentice training will be offered and conducted for its membership free of such discrimination. (34 CFR Section 100.3(c); 34 CFR Section 106.31(d); 34 CFR Section 104.11(a)(4); 34 CFR Appendix B to Part 100 VII.B.)

### Evidence Requests

#### Apprenticeship Program Policy or Procedure

Abbreviation: AprntcshpPrgrmPlcyPrcdr

Description: Recipient’s policy or procedure related to CTE apprenticeship programs.

Item Instructions: Policy or procedure must contain a notice of nondiscrimination in a written agreement with a labor union or other sponsor providing apprenticeship training.

Related Items: CRR 19

#### Enrollment Data for Work Study, Job Placement, and Apprentice Training Programs

Abbreviation: EnrlmntDtaWrkStdyJbPcmntAprntcTrnngPrgrms

Description: Enrollment and placement data categorized by pathway for work-study, cooperative education, job placement, and apprentice training programs.

Item Instructions: Demographic data must include the demographics of race, color, sex, disability, national origin. Student(s) identifying information must be redacted.

Related Items: CRR 19

#### Workplace Agreements

Abbreviation: WrkplcAgrmnts

Description: Workplace agreements, hours of work, and student job assignments. Workplace agreements must contain notice of nondiscrimination and be signed by both the recipient and the employer.

Item Instructions: Copy of company’s workplace agreement(s) with the school site which describes the conditions and requirements to be met by all participants. The company’s notice of nondiscrimination must be comparable to that of the school sites and be publicized on workplace agreement.

Related Items: CRR 19

## CRR 20: Employment Practices

1. Recipients may not engage in any employment practice that discriminates against any employee or applicant for employment on the basis of sex or disability. Recipients may not engage in any employment practice that discriminates on the basis of race, color, or national origin if such discrimination tends to result in segregation, exclusion, or other discrimination against students. Recipients may not make any pre-employment inquiries concerning disability, marital, or parental status. (34 CFR Section 100.3(c); 34 CFR Sections 106.51(a-b), 106.57; 34 CFR Sections 104.13 and 104.14; 34 CFR Appendix B to Part 100 VIII.A.)
   1. A recipient must not adopt or implement any policy, practice, or procedure, or take any employment action, on the basis of sex: (34 CFR 106.57(a))
      1. Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or (34 CFR 106.57(a)(1))
      2. That is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee’s or applicant’s family unit. (34 CFR 106.57(a)(2))
      3. A recipient must not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions. (34 CFR 106.57(b))
      4. A recipient must treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment. (34 CFR 106.57(c))
      5. In the case of a recipient that does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, a recipient must treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment. (34 CFR 106.57(d))
      6. A recipient must provide reasonable break time for an employee to express breast milk or breastfeed as needed. (34 CFR 106.57(e)(1))
      7. A recipient must ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed. (34 CFR 106.57(e)(2))
   2. A recipient must notify every source of faculty that it does not discriminate on the basis of race, color, national origin, sex, or disability. (34 CFR Appendix B to Part 100 VIII.B.)
   3. A recipient should establish and maintain faculty salary scales based upon the conditions and responsibilities of employment without regard to race, color, national origin, sex, or disability. (34 CFR Section 106.54; 34 CFR Sections 104.11 and 104.12; 34 CFR Appendix B to Part 100 VIII.D.)
   4. A recipient must provide equal employment opportunities for teaching and administrative positions to applicants with disabilities who can perform the essential functions of the position. Recipients must make reasonable accommodation for the physical or mental limitations of applicants with disabilities who are otherwise qualified unless recipients can demonstrate that the accommodation would impose an undue hardship. (34 CFR Section 104.12; 34 CFR Appendix B to Part 100 VIII.E.)

*Related California Law*:

California laws also provide added protection on the basis of actual or perceived age, ancestry, gender, gender identity, gender expression, genetic information, marital status, medical condition, military or veteran status, political affiliation or activity, protective hairstyles, religion, sexual orientation, reproductive health decision-making, or association with a person or a group with one or more of these actual or perceived characteristics. (GC Section 12926; Labor Code Section 230.1)

### Evidence Requests

#### Title IX Statement – Applicants and Employees

Abbreviation: TtlIXSttmntsApplEEs

Description: Title IX Statement prohibiting sex-based harassment and sex discrimination on all publicized materials for applicants and employees, in conjunction with the continuous notice of nondiscrimination.

Item Instructions: Statement must include Title IX Coordinator(s) name or title, office address, email address, and telephone number. Sample language can be found in the FPM Box.

Related Items: CRR 20

#### Employee Demographics

Abbreviation: EmplyDmgrphcs

Description: Employee data identifying all site staff’s race/ethnicity, sex, and disability. The data must be categorized by program.

Item Instructions: Do not include names, ID numbers, or other personally identifiable information.

Related Items: CRR 20

#### Employee Handbook

Abbreviation: EmplHndbk

Description: Employee Handbook(s) or on-boarding packets for Certificated, Classified and Other Employees.

Item Instructions: CRR 20: Handbook(s) must include the: (a) nondiscrimination notice with the Title IX Coordinator(s) name or title, address, phone number, and email address; ADA/Title II and 504 Coordinator(s) name, title, address, and phone number, (b) employee nondiscrimination policy, and (c) employee reasonable accommodation process.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05, CRR 20

#### Employment Recruitment Materials

Abbreviation: EmplymntRcrtmntMtrls

Description: Recipient’s employment recruitment materials.

Item Instructions: If applicable, submit recruitment flyers, brochures, website postings, email notifications regarding open positions, contact letters, etc.

Related Items: CRR 20

#### Employment Recruitment Policies and Procedures

Abbreviation: EmplymntRcrtmntPlcsPrcdrs

Description: Recipient’s employment recruitment policies and procedures for certificated and classified positions.

Item Instructions:

Related Items: CRR 20

#### Hiring Policies and Procedures

Abbreviation: HrngPlcsPrcdrs

Description: Recipient’s screening committee procedure(s), hiring policy and procedure(s), interview rating system, and sample hiring/interview questions for certificated and classified positions.

Item Instructions:

Related Items: CRR 20

#### Job Announcements

Abbreviation: JbAncmnts

Description: Sample job announcements for classified and certificated positions.

Item Instructions: Announcement(s) must include the nondiscrimination notice with the Title IX Coordinator(s) name or title, address, phone number, and email address and ADA/Title II and Section 504 Coordinator(s) name, title, address, and phone number.

Related Items: CRR 20

#### Job Applications

Abbreviation: JbAplctns

Description: Sample job applications for classified and certificated positions.

Item Instructions: Application(s) must include the nondiscrimination notice with the Title IX Coordinator(s) name or title, address, phone number, and email address and ADA/Title II and Section 504 Coordinator(s) name, title, address, and phone number.

Related Items: CRR 20

#### Policies and Procedures related to Employees with Disabilities

Abbreviation: PlcsPrcdrsRltdEmplysWthDsblts

Description: Recipient’s policies and procedures related to the hiring, promotion, and retention for employees with disabilities.

Item Instructions: Include reasonable accommodations policy and procedure.

Related Items: CRR 20

#### Salary Scales and Related Policy

Abbreviation: SlrySclsRltdPlcy

Description: Recipient’s faculty and non-faculty salary scales and related policy.

Item Instructions: Salary scales to include policy and /or collective bargaining contract.

Related Items: CRR 20

#### Pregnant, Parenting, and/or Lactating Employees Policy

Abbreviation: PrgnntPrntngLcttngEmplys

Description: Recipient’s policies and procedures related to the hiring, promotion, and retention for employees who are or may become pregnant, parenting and/or are or may become lactating.

Item Instructions: Include policy and/or procedure with employer responsibilities under Title IX.

Related Items: CRR 20

## CRR 21: Accessible Facilities

1. Program Access/Readily Accessible – Existing Facility under 504 (34 CFR Section 104.22)
   * 1. For existing recipient facilities under 504 that were built or altered beginning June 3, 1977, or earlier, a recipient shall operate its program or activity so that when each part is viewed in its entirety, it is “readily accessible” to disabled persons. A recipient is not required to make each of its existing facilities or every part of a facility accessible to and usable by persons with disabilities. (34 CFR Section 104.22(a))
   1. American National Standards Institute (ANSI) – New Construction under 504 (34 CFR Section 104.23)
      1. Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient under 504 that were built or altered between June 4, 1977, and January 17, 1991, inclusive, shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. (34 CFR Section 104.23(a))
      2. Conformance with the “American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Disabled” published by the American National Standards Institute, Inc. (ANSI) A117.1–1961 (R1971) Later versions of ANSI A117.1 do not apply.
   2. Uniform Federal Accessibility Standards (UFAS) – New Construction under 504 (28 CFR Section 35.151.; 34 CFR Section 104.23(c))
      1. Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity under 504 that were built or altered between January 18, 1991, and January 26, 1992, inclusive, shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. (28 CFR 35.151(a)(1); 34 CFR 104.23(c)(1))
      2. Conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR Section 101 19.6). Departures from particular technical and scoping requirements permitted where substantially equivalent or greater access to and usability of the building is provided.
   3. 1991 Americans with Disabilities Act (ADA) – New Construction under 504 (28 CFR Section 36, Appendix D; 34 CFR Section 104.23)
      1. Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. (28 CFR Section 36, Appendix D; 34 CFR 104.23(a))
      2. UFAS or the 1991 Americans with Disabilities Act (ADA) Standard apply to facilities constructed or altered on or after January 27, 1992 and before September 15, 2010. Departures from particular requirements permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.
   4. 2010 Americans with Disabilities Act (ADA) – New Construction under 504 (28 CFR Section 35; 34 CFR Section 104.23)
      1. Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity is designed and constructed in such a manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. (28 CFR Section 35; 34 CFR 104.23(a))
      2. Between September 15, 2010 and March 14, 2012, a subrecipient may utilize UFAS, the 1991 ADA Standards or the 2010 ADA Standards. The 2010 ADA Standards apply to facilities constructed on or after March 15, 2012.

### Evidence Requests

#### Alteration and Modification Records

Abbreviation: AltrtnAndMdfctnRcrds

Description: Alteration and/or modification records for all buildings/facilities/areas used for the recipient’s CTE program(s).

Item Instructions: Records associated with CTE program(s) and common usage areas (i.e. – library, cafeteria, auditoriums, restrooms, water fountains, paths of access to CTE buildings). Alterations are defined as changes or modifications which directly affect access to CTE programs.

Related Items: CRR 21

#### Facilities Review Packet

Abbreviation: FcltsRvwPckt

Description: A review of existing facilities to ensure compliance with standards for: Program Access , ANSI/ UFAS/ ADA standards under new or alteration/modification date of construction.

Item Instructions: A complete building accessibility packet with the attached accessibility checklist must be type written, electronically signed, and dated. DSA approved school site blueprints will need to be provided in order to verify dates of construction and modification.

Related Items: CRR 21

#### Maintenance Records

Abbreviation: MntncRcrds

Description: Maintenance records which change or enhance the direct access to CTE programs/ building(s)/ classroom(s) and path of access.

Item Instructions: Do not submit all maintenance records. Only submit records for maintenance that is associated with CTE program(s) and common usage areas – e.g. – library, cafeteria, auditoriums, locker rooms, fields, restrooms, water fountains, paths of access to CTE buildings).

Related Items: CRR 21

#### Renovation Schedules and Records

Abbreviation: RnvtnSchdls

Description: Renovation schedules which change or enhance the direct access to CTE programs/ building(s)/ classroom(s) and paths of access.

Item Instructions: Do not submit all renovation schedules. Only submit records for renovation schedules that are associated with CTE program(s) and common usage areas – e.g. – library, cafeteria, auditoriums, locker rooms, fields, restrooms, water fountains, paths of access to CTE buildings.

Related Items: CRR 21

#### Site and Floor Plans

Abbreviation: StFlrPlns

Description: Legible site plan of school which identifies CTE classes, paths of travel to and from CTE classes, number of general and disabled parking, and common usage areas – i.e. – library, cafeteria, auditoriums, restrooms, water fountains, and paths of access to all buildings.

Item Instructions: Site plans must clearly indicate the required information. See example in FPM box.

Related Items: CRR 16, CRR 21

#### Work Orders or Contracts

Abbreviation: WrkOrdrsCntrcts

Description: Work orders/contracts, with the construction start date, for all buildings/facilities/areas used for school site’s CTE program(s) and common usage areas – e.g. – library, cafeteria, auditoriums, restrooms, water fountains, paths of access to CTE buildings).

Item Instructions: Do not submit all works orders and contracts. Only submit work orders and contracts that are associated with CTE program(s) and common usage areas.

Related Items: CRR 21