

California Department of Education

Civil Rights Review

2015-16 Program Instrument

A. Administrative

CRR 00: Administrative Issues

CRR 00 In order to comply with United States Department of Education Office for Civil Rights (OCR) requirements for career and technical education programs, school districts must have in place basic procedures regarding federal statutes and implementing OCR regulations, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (ADA) of 1990, as well as Vocational Education Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap. These basic procedures include an annual public notice, continuous notification, designation of a person(s) to coordinate activities under Title IX, Section 504, and Title II and a grievance procedure that will allow students and parents an avenue for dealing with alleged discrimination. Also, all educational programs and activities under the jurisdiction of the State Board of Education receiving or benefiting from state or federal financial assistance shall be available to all qualified persons without regard to sex, sexual orientation, gender, ethnic group identification, race ancestry, national origin, religion, color, or mental or physical disability pursuant to the *California Code of Regulations (CCR)*, Title 5, Chapter 5.3, section 4900 et seq.

To confirm compliance, it will be necessary to review school district documents and to interview administrators, Title IX, Section 504, CCR Title 5 coordinators, faculty, community members, parents and students.

A. Administrative

CRR 01: Continuous Nondiscrimination Notice

A district/school 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 district/school that it does not discriminate on the basis of race, color, national origin, sex, or disability.

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1.1 A variety of district/school publications notifies applicants, students, employees and parents that it does not discriminate on the basis of race, color, national origin, sex, or disability.

Title IX; 34 *Code of Federal Regulations (CFR)* § 106.9

Section 504: 34 *CFR* § 104.8

CCR, Title 5, Chapter 5.3 §4622, 4960(b),4900 et.seq.

Evidence

Brochures on programs and activities*

Upload brochures related to all Career and Technical Education (CTE) programs and activities offered. The brochures must contain the continuous nondiscrimination notice per 1.1.

Catalogs*

Upload catalogs related to all CTE programs and activities offered. The catalogs must contain the continuous nondiscrimination notice per 1.1.

Job announcements*

Upload sample job announcements for classified and certificated positions that contain the nondiscrimination notice per 1.1.

Job application*

Upload sample job applications for classified and certificated positions that contain the nondiscrimination notice per 1.1.

Posters advertising various programs*

Upload samples of any posters advertising or announcing all CTE programs and activities offered. The posters must demonstrate the continuous nondiscrimination notice per 1.1.

School newspaper

Upload a copy of a published school newspaper, if applicable, that contains the nondiscrimination notice.

Student applications

Upload any student applications, if applicable, that must contain the nondiscrimination notice per 1.1.

Student handbooks*

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Upload a copy of the student handbook which contains the nondiscrimination notice.

Website*

A screenshot or copy of the district and school web site that shows the nondiscrimination notice per 1.1.

A. Administrative

CRR 02: Persons Responsible For Coordinating Section 504, Title II, Title IX and CCR Title 5

(a) Each district/school shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Section 504, Title II, and Title IX and *CCR*, Title 5, Chapter 5.3 §4621(b)

(b) The district/school must notify students and employees of the name or title, office address, and phone number of the designated employee(s).

Title IX: 34 *CFR* § 106.8(a)

Section 504: 34 *CFR* § 104.7(a)

CCR, Title 5, Chapter 5.3 § 4961

2.1 District/school assigned a person(s) to coordinate Section 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.

2.2 District/school lists coordinators of Section 504, Title II, Title IX and *CCR* Title 5 with their name/title, address, and phone number in the notice of nondiscrimination.

Evidence

All Handbooks*

Upload a copy of all handbooks which contain the name, title, address and phone number of the Title II, Title V, Title IX and 504 coordinators.

Catalogs*

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Upload a copy of all catalogs which contain the name, title, address and phone number of the Title II, Title V, Title IX and 504 coordinators.

Job Description*

Upload a copy of the job descriptions of the Title II, Title V, Title IX and 504 coordinators at the district and school.

Website*

Upload a screenshot of the district and school web sites which contain the name, title, address and phone number of the Title II, Title V, Title IX and 504 coordinators.

A. Administrative

CRR 03: Annual Public Notification

(a) Prior to the beginning of each school year, districts and schools must advise students, parents, employees and general public that all CTE opportunities will be offered regardless of race, color, national origin, sex or disability.

(b) The notice must include a brief summary of program offerings and admission criteria and the name, office address, and phone number of persons designated to coordinate compliance under Guidelines IV-O

CCR, Title 5, Chapter 5.3 §§ 4622, 4961 et. seq.

3.1 District/school issues annual public notice of nondiscrimination.

3.2 The notice also is disseminated in the language of any national origin minority community in the service area.

3.3 Annual notice lists coordinators of Section 504/ADA, Title IX, and *CCR* Title 5 with their name/title, address, and phone number.

Evidence

Institution newspapers

Upload the annual public notification that includes the nondiscrimination notices for programs/activities, and list of the contact information for 504/ADA, Title II, Title IX and Title 5 coordinators.

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Local newspapers, if used for the annual notification

Upload the local community newspaper that contains the notice of nondiscrimination in all district/school programs per item 1.1, and contact information of all coordinators per item 3.3.

Website*

Upload a screen shot of where the Annual Public Notification is found on the District/school web page.

A. Administrative

CRR: 04 Grievance Procedure

(a) A district / school shall adopt and publish a grievance procedure providing for prompt and equitable resolution of student and employee complaints alleging any discrimination based on sex or disability.

(b) 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.

(c) Harassment on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability is a form of discrimination, and as such, may result in disciplinary taken. In the case of an employee, such disciplinary action may include termination.

Section 504: 34 *CFR* § 104.7(b)

Title IX: 34 *CFR* § 106.8(b)

Title II: 28 *CFR* § 35.107(b)

CCR, Title 5, Chapter 5.3 §§ 4621, 4960 et. seq.

4.1 District/school notifies students and employees that there is a grievance procedure for persons who feel they have been discriminated against based on sex, disability or any provision of 5 *CCR*, Title 5, Chapter 5.3.

4.2 The procedure is readily available to students and employees and it is prompt and equitable.

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4.3 District/school notifies students and employees that harassment is a form of discrimination subject to disciplinary consequences.

Evidence

Catalogs*

Upload a copy of all catalogs that contain the grievance policy/procedures of the district/school investigation of a complaint.

Data on complaints including investigation of complaints alleging any form of discrimination*

Upload statistical information of the number of complaints alleging any form of discrimination over the last 2 years and the outcome of investigations.

District complaint procedures*

Upload a copy of the district's policy/procedure of the complaint process and how the district handles the complaints, including confidentiality measures.

District/Employee handbooks*

Upload a copy of the employee handbook that describes the policy/procedure for the handling of employee complaints.

District/School Student handbooks*

Upload a copy of the student handbook that explains the policy/procedure for the handling of a student/parent complaint.

B. Site Location and Student Eligibility Criteria

CRR: 00 Standards regarding selection and criteria for student eligibility cannot result in discriminating, segregating or excluding students on the basis of race, color, national origin, sex, or disability, sexual orientation, gender, ethnic group identification, ancestry, religion, or color.

Issues that could result in discrimination or segregation include the selection of sites for CTE facilities, establishing geographic residence requirements, establishing numerical limits on students from sending schools, additions to existing CTE facilities, and any other criteria that have the purpose or effect of

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disproportionately excluding students of a particular race, national origin, sex, disability (mental or physical), sexual orientation, gender, ethnic group identification, ancestry, religion, or color.

B. Site Location and Student Eligibility Criteria

CRR 05: Student Eligibility

District/school may not develop, impose, maintain, approve, or implement student admission eligibility criteria that discriminate on the basis of race, color, national origin, sex or disability, sexual orientation, gender, ethnic group identification, ancestry, religion, or color.

Guidelines IV-A

California Education Code (Ed. Code) secs. 200, 220 and 221.5

CCR, Title 5, Chapter 5.3 §§ 4920-27

5.1 Student eligibility criteria for admission to CTE schools, facilities or programs do not discriminate.

5.2 Programs include interscholastic, intramural, club athletics and extracurricular programs.

Evidence

Eligibility and admission criteria for CTE programs, club, athletics and extra-curricular programs*

Upload any policy of admission criteria for CTE programs, school clubs, athletics, or other extra-curricular programs. Policy should contain the notice of non-discrimination per 1.1.

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B. Site Location and Student Eligibility Criteria

CRR 06: Site Selection and Modifications

(a) District / school may not select or approve a site that has the purpose or effect of excluding, segregating, or otherwise discriminating on the basis of race, color, or national origin.

Districts and schools 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.

Guidelines IV-B

(b) A district / school 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, sexual orientation, gender, ethnic group identification, ancestry, or religion.

Guidelines IV-D

CCR, Title 5, Chapter 5.3 § 4900 et. seq.

6.1 CTE sites are readily accessible to minority and nonminority communities and their location does not have a segregative effect.

6.2 After modification, the CTE site is readily accessible to minority and nonminority communities and the modification does not have a segregative effect.

Evidence

Demographics of communities surrounding facility

Enrollment demographics for each facility

Maps showing location of CTE facilities*

Maps showing location of modified CTE facilities*

Upload descriptions and maps that show before and after modifications to the CTE facility site.

Student demographics before and after facility modifications*

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B. Site Location and Student Eligibility Criteria

CRR 07: Residency

A district/school may not establish, approve, or maintain geographic boundaries that unlawfully excludes students on the basis of race, color, national origin, ethnic group identification or ancestry.

Guidelines IV-C

CCR, Title 5, Chapter 5.3 § 4900 et. seq.

7.1 Attendance zones do not have the effect of excluding students on the basis of race, color, national origin, ethnic group identification or ancestry.

Evidence

Curriculum offerings at off campus facilities

Demographics of off campus service areas to the facility

Upload documents that show where CTE classes are located. If classes are located at an off campus facility, upload map and description of site.

Maps of attendance zones*

C. Recruitment

CRR 08: Recruitment Issues

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, disability, sexual orientation, gender, ethnic group identification, ancestry, or religion. Information about career technical education opportunities should be available to all potential students. Promotional materials should avoid stereotyping.

(1) Districts and schools must conduct their recruitment activities so as not to exclude or limit opportunities on the basis of race, color, national origin, sex, disability, sexual orientation, gender, ethnic group identification, ancestry, or color.

Guidelines V-C, *Ed. Code* § 221.5

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CCR, Title 5, Chapter 5.3 § 4900 et. seq.

(2) Recruitment materials' description of career and occupational opportunities should not be limited on the basis of race, color, national origin, sex, disability, sexual orientation, gender, ethnic group identification, ancestry, or color.

Guidelines V-C, *Ed. Code* § 221.5

CCR, Title 5, Chapter 5.3 § 4900 et. seq.

(3) To the extent possible, recruiting teams should represent persons of different races, national origins, sexes, and disabilities.

Guidelines V-C, *Ed. Code* § 221.5

(4) Districts and schools must ensure that counselors can effectively communicate with students with limited English proficiency and with students with sensory impairments.

Guidelines V-D, *Ed. Code* § 221.5

(5) 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.

Guidelines V-E, *Ed. Code* § 221.5

(6) If a district / school's service area contains a community with persons of limited English proficiency, information must be available to that community in its language.

Guidelines V-E, *Ed. Code* § 221.5

8.1 All potential students have access to information.

8.2 Outreach efforts are made to underrepresented groups.

8.3 Descriptions of career opportunities are bias-free and free from stereotyping.

8.4 Where possible, persons of differing races, genders, and disability are used for recruiting purposes.

8.5 The content of materials available to other students and their parents is available to students and parents who speak languages other than English.

8.6 Formats other than the printed word are available for students with disabilities.

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8.7 Materials and/or media presentations show persons of varying races, male and female, persons with disabilities, and different national origins.

8.8 Process is in place to identify and communicate with language minority communities. Efforts are made to communicate in a commonly understood language.

Evidence

Description of recruitment activities*

Upload any recruitment team information about CTE programs; pictures that show diversity, written plans to include EL students and how information is available to persons with disabilities.

Recruitment plans*

Upload any recruitment materials: pictures, PowerPoint, brochures, flyers or catalogs that show diversity of persons involved in the activities. Upload forms that advertise recruitment open houses.

Recruitment plans*

Upload any recruitment materials: pictures, PowerPoint, brochures, flyers or catalogs that show diversity of persons involved in the activities. Upload forms that advertise recruitment open houses.

D. Admission

CRR: 09 Admission Issues

Admission policies, procedures and criteria may not exclude students from CTE programs on the basis of race, color, national origin, sex or disability. Where admissions criteria exclude a disproportionate number of persons of a particular race, color, national origin or sex or persons with disabilities, the criteria should be validated as essential to success in the program. Preadmission inquiries about marital, parental or disability status should be avoided.

(1) A district/school may not assess candidates for admission to CTE programs on the basis of criteria that have the effect of disproportionately excluding persons of a particular race, color, national origin, sex, or

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disability. If such disproportionate exclusion occurs, the criteria or standards must be validated as essential to participation.

Guidelines IV-K, *CCR*, Title 5, Chapter 5.3 § 4900 et. seq.

(2) A district/school 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.

Guidelines IV-N, *CCR*, Title 5, Chapter 5.3 § 4900 et. seq.

Section 504: 34 *CFR* § 104.33

(3) A district/school 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.

(4) An elementary and secondary school is responsible for identifying applicants with limited English language skills and assessing their ability to participate in Career and Technical Education.

(5) An elementary and secondary school must take steps to open all CTE programs to national origin minority students with limited English proficiency.

Guidelines IV-L, *CCR*, Title 5, Chapter 5.3 § 4900 et. seq.

9.1 Demographics of CTE enrollment are similar to demographics of eligible pool or school provides a legitimate nondiscriminatory rationale.

9.2 Demographics of specific CTE programs are similar to demographics of entire CTE enrollment or school provides a legitimate nondiscriminatory rationale.

9.3 Admissions procedure, policy, and/or practice for CTE program enrollment avoid criteria that disproportionately exclude persons of a particular race, color, national origin, sex, or disability status.

9.4 Admissions criteria that disproportionately exclude have been validated as essential to participation.

9.5 The agency does not discourage students with disabilities from participating in programs due to potential workplace discrimination.

9.6 District/school has a procedure in place to identify and assess applicants with limited English proficiency.

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9.7 LEP enrollment in CTE is proportional to LEP enrollment in the service area

9.8 LEP enrollment in specific CTE programs is proportional to LEP enrollment in CTE overall.

Evidence

Admissions policy for CTE programs*

Upload documents, or a policy, that address any disproportions in the CTE programs. Upload a copy of any admissions process, and counseling materials about CTE programs.

Counseling materials*

Upload counseling materials as they relate to student admissions that demonstrate all students have access to the same opportunities.

Demographics of accepted and rejected applicants by selection criteria*

Upload enrollment data that show admissions for LEP students, students with disabilities, and other protected groups are proportional to CTE overall, and an explanation of any rejected applicants.

E. Student Financial Assistance

CRR 10: Financial Assistance Issues

Education agencies shall not to limit honors, awards, and scholarships to a group on the basis of race, color, national origin, sex, or disability unless such targeting is done to provide opportunities to members of a group that has not traditionally been represented. Outside agencies that provide awards are to be notified of the agency's nondiscrimination policy.

A school district may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign will, trust, bequests or similar legal instruments or by acts of a foreign government which require that awards go to a student of a particular sex, race, or national origin, or with a particular disability. However, the overall effect of such restricted awards and scholarships must not lead to discrimination in access to total scholarships on the basis of sex, race, national origin, or disability.

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Because financial aid is often the stumbling block for those historically underrepresented in postsecondary education, secondary schools should assist all students preparing for postsecondary experiences, including disadvantaged students, to become aware of this requirement.

Interviews with the following persons may clarify compliance with this standard: financial aid staff, guidance counselors, department chairs, Title IX Coordinator, 504/ADA Coordinator and bilingual staff.

Financial assistance regarding post-secondary opportunities is available to all students regardless of sex, race, color, national origin, or disability.

Guidelines VI-B

Section 504: 34 *CFR* §§ 100.3(b), 104.4, 106.37(a)

10.1 Data on financial aid demonstrates that there is equitable distribution of financial aid regardless of sex, race, color, national origin or disability.

10.2 Appropriate information regarding financial aid for students is made available and high schools assist students to understand and use the material.

Evidence

Financial aid data by race, color, national origin, sex, or disability*

Upload copy of spreadsheet or forms that show how financial aid is made available, and the type of assistance given to students, if applicable.

Scholarships, awards, fellowships, or financial aid documents*

Upload a copy of scholarships awarded the previous year by gender, disability, and EL students and financial assistance documents that show diversity in the distribution of financial aid.

F. Career Counseling Programs

CRR 11: Counseling Issues

Counseling programs may not include steering of students toward particular courses or programs that are “traditional” for the student’s race, color, national origin, English language proficiency, sex, disability status, sexual orientation, gender, ethnic group identification, ancestry, or religion. Services and materials

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related to counseling and recruitment must be free of discrimination and stereotyping in language, content, and illustration.

(1) Districts and schools 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, disability, sexual orientation, gender, ethnic group identification, ancestry, or religion.

Guidelines V-A, V-B

CCR, Title 5, Chapter 5.3 § 4900 et. seq.

Title IX: 34 CFR § 106.36 (a)

Section 504: 34 CFR §§ 104.33 104.35

Title II: 28 CFR § 35.130

(2) Counselors do not direct students into programs based on their race, color, national origin, sex, disability, sexual orientation, gender, ethnic group identification, ancestry, or religion. Districts and schools 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, disability, sexual orientation, gender, ethnic group identification, ancestry, or religion.

Guidelines V-B

CCR, Title 5, Chapter 5.3 § 4900 et. seq.

Section 504: 34 CFR §§ 104.33, 104.35, 104.37, 106.36(a)

(3) Districts and schools may not counsel students with disabilities toward more restrictive career objectives than nonstudents with disabilities with similar abilities and interests.

Guidelines V-B

(4) If disproportionate enrollments occur, efforts must be made to ensure that counseling services and materials are not responsible. Districts and schools must take steps to ensure that any disproportionate enrollment does not result from unlawful discrimination in counseling activities.

Guidelines V-B

CCR, Title 5, Chapter 5.3 § 4900 et. seq.

Title IX: 34 CFR § 106.36(c)

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11.1 Written guidance and assessment plans, policies, and procedures that ensure nondiscrimination.

11.2 Evidence of a review schedule.

11.3 CTE program enrollments by sex, race, national origin, and disability are proportionate to enrollment of these groups in the general student population.

11.4 Where enrollments are not proportionate, the institution can furnish a legitimate, nondiscriminatory rationale.

11.5 Students with disabilities have equal access to all programs and classes based on abilities and interests.

11.6 The district/school has a process in place to identify disproportionate enrollment. When disproportionate enrollment occurs, district/school assess counseling materials and activities to make appropriate revisions or can articulate a legitimate, nondiscriminatory rationale.

Evidence

Assessment plan with a list of tests administered

Calendar of counseling and pre-CTE activities*

Upload counseling guidance materials: written guidance plans, procedures for evaluation and placement of students with/without disabilities, recruitment or promotional materials about CTE programs.

Admission criteria*

Upload admission criteria that encourages participation for all students in all courses and/or programs and activities.

Enrollment data*

Upload copies of enrollment data into CTE programs, including, LEP and students with disabilities.

Enrollment demographics*

Enrollment demographics by class/program*

Enrollment forms*

Examples of pre-enrollment counseling*

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G. Services for Students with Disabilities

CRR 12: Services for Students with Disabilities Issues

A qualified person with a disability may not be excluded from, denied benefits of, or subjected to discrimination in any course, program, or activity. A district/school may not restrict access for students with disabilities to schools, programs, services, and activities because of architectural barriers, equipment barriers, the need for related aids and services, or the need for auxiliary aids. Section 504 and ADA Title II are based upon the premise that students with disabilities will be integrated with their nondisabled peers as much as possible. Historically, the assumption was made that persons with disabilities would not be able to function and the able-bodied should not put them in a position where they might be “uncomfortable.” However, research shows that gains made by persons with disabilities in the educational setting are enhanced when they are integrated with the appropriate aids and services.

Interviews with the following persons may clarify compliance with this standard: School administrator, guidance counselors, department chairs, ADA and 504 coordinators, disabled student’s services coordinators, and facilities director. In addition to interviews, a visual inspection of facilities should be conducted.

(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.

Section 504: 34 *CFR* § 104.4(a)

Title II: 28 *CFR* 35.130(a); Ed. Code §§ 200, 220.

Guidelines IV-N

(2) Students with disabilities must not be excluded from CTE, career, or academic programs, courses, services or activities due to equipment barriers or because necessary related aids and services or auxiliary aids are not available.

Guidelines IV-N

CCR, Title 5, Chapter 5.3 § 4900 et. seq.

Section 504: 34 *CFR* §§ 104.4, 104.33.

(3) A district/school that operate an elementary or secondary program or activity must provide a free, appropriate public education (FAPE) to each qualified disabled person in its jurisdiction.

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Section 504: 34 *CFR* § 104.33

The district/school must have a system in place for the identification, evaluation and educational placement of these disabled persons.

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.

Section 504: 34 *CFR* §§ 104.33(b), 104.35(c).

The district/school must provide procedural safeguards through which parents or guardians may obtain an impartial review of the evaluation and placement actions.

Section 504: 34 *CFR* § 104.36

(4) 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.

Guidelines VI-A

CCR, Title 5, Chapter 5.3 § 4900 et. seq.

(5) 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.

Guidelines VI-A

Section 504: 34 § *CFR* 104.35, 104.36.

12.1 The agency implements policies and procedures ensuring access for students with disabilities to programs, services, and activities.

12.2 The agency provides appropriate aids and services for students with disabilities and does not have policies that limit participation of students with disabilities.

12.3 Any educational institution shall treat pregnancy, child birth, false pregnancy, termination of pregnancy and recovery there from in the same manner and under the same policies as any other temporary disabling condition.

12.4 The FAPE policies and procedures provide for the identification, evaluation, and placement of disabled persons and include procedural safeguards. Evaluation and placement records of individual students with disabilities indicate that placement decisions are fully documented and timely re-evaluations are

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conducted. Persons who are knowledgeable about placement options in CTE programs participate in CTE placement decisions.

12.5 Students with disabilities enroll in regular academic courses to the maximum extent appropriate to their needs.

12.6 Section 504 plan, placement record or IEP reflects the group's or team's determination that the CTE program is appropriate setting for the individual student.

Evidence

Services for students with disabilities *

Upload documentation that show students with disabilities are integrated in the general population; spreadsheets that show the number of students with 504/IEP enrolled in CTE courses.

District/school guidelines for students with disabilities *

Upload policies/procedures, guidelines that ensure access to CTE for students with disabilities, copy of student handbooks, and any criteria for admission into courses, program, and activities.

Type of aids available for students with disabilities*

Upload a list of aides available for hearing/visually impaired such as: guide dogs, braille, tape recorders, district/school 504, IEP and Special Education policy and contact persons.

H. Accessibility

CRR 00: 504/ADA Accessibility Issues

District/school may not exclude students with disabilities from enjoying the benefits of its program or service due to inaccessibility of facilities, according to Section 504 of the Rehabilitation Act of 1973.

Interviews with the following persons may clarify compliance with this standard: administrators, guidance counselors, department chairs, ADA and 504 coordinators, coordinator for disabled student services, and facilities director. In addition to interviews, a visual inspection of facilities should be conducted. Blueprints. Construction Contracts. Work orders.

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Applicable accessibility standards are determined by the date the facility was constructed or last renovated by the institution.

- Existing facilities/Section 504 (34 *CFR* § 104.22) - construction or alteration initiated before 6/4/77 – “readily accessible”.
- New construction/Section 504 (34 *CFR* § 104.23) - construction or alteration initiated between 6/4/77 and 1/17/91 – ANSI A117.1-1961 (R1971)
- New construction/Section 504 (34 *CFR* §104.23 - construction or alteration initiated on or after 1/18/91 – *Uniform Federal Accessibility Standards (UFAS)*
- New construction/ADA (28 *CFR* § 35.151) - construction or alteration initiated on or after 1/27/92 – *Uniform Federal Accessibility Standards (UFAS)*, Americans with Disabilities Act Standards for Accessible Design (ADA Standards)

H. Accessibility

CRR 13: Existing facility under 504 – Built or altered beginning June 3, 1977, or earlier.

A district/school shall operate its program or activity so that when each part is viewed in its entirety, it is readily accessible to disabled persons. A district/school is not required to make each of its existing facilities or every part of a facility accessible to and usable by persons with disabilities.

Section 504: 34 *CFR* §104.23(b)

13.1

- redesign of equipment
- reassignment of classes or other services to accessible buildings
- assignment of aides to beneficiaries (but no carrying)
- home visits
- alteration of existing facilities and construction of new facilities in conformance with the requirements for new construction or

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- any other methods that result in making its program or activity accessible to persons with disabilities

Evidence

Blueprints and plans*

Upload site plan of school with location of CTE classes, date building was built or modified, showers, and restrooms, a count of general and disabled parking; floor plans of lockers rooms with count.

Maintenance records*

Renovation schedules*

Work orders or contracts indicating construction start dates*

H. Accessibility

CRR 14: New construction under 504 – Built or altered between June 4, 1977, and January 17, 1991, inclusive.

Each facility or part of a facility constructed by, on behalf of, or for the use of a district/school 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. 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.

Section 504: 34 CFR § 104.23 (prior to January 18, 1991 amendment)

4.1 Grading

4.2 Walks

4.3 Parking lots

5.1 Ramps and gradients

5.2 Entrances

5.3 Doors and doorways

5.4 Stairs

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- 5.5 Floors
- 5.6 Toilet room
- 5.7 Water fountains
- 5.8 Public phones
- 5.9 Elevators
- 5.10 Controls
- 5.11 Identification
- 5.12 Warning signals
- 5.13 Hazards

Evidence

Blueprints and plans*

Upload site plan of school with location of CTE classes, date building was built or modified, showers, and restrooms, a count of general and disabled parking; floor plans of lockers rooms with count.

Maintenance records*

Renovation schedules*

Work orders or contracts indicating construction start dates*

H. Accessibility

CRR 15: New construction under 504 – Built or altered between January 18, 1991, and January 26, 1992, inclusive. New construction under ADA Title II and 504 – Built after January 26, 1992; exercising the option to follow UFAS.

Each facility or part of a facility constructed by, on behalf of, or for the use of a district/school 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. Conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 *CFR* § 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.

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Section 504: 34 *CFR* § 104.23

Title II: 28 *CFR* § 35.151

- 4.1 Minimum requirements
- 4.2 Space allowance and reach ranges
- 4.3 Accessible route
- 4.4 Protruding objects
- 4.5 Ground and floor surfaces
- 4.6 Parking and passenger loading zones
- 4.7 Curb ramps
- 4.8 Ramps
- 4.9 Stairs
- 4.10 Elevators
- 4.11 Platform lifts
- 4.12 Windows
- 4.13 Doors
- 4.14 Entrances
- 4.15 Drinking fountains and water coolers
- 4.16 Water closets
- 4.17 Toilet stalls
- 4.18 Urinals
- 4.19 Lavatories and mirrors
- 4.20 Bathtubs
- 4.21 Shower stalls
- 4.22 Toilet rooms
- 4.23 Bathrooms, bathing facilities, and shower rooms
- 4.24 Sinks
- 4.25 Storage
- 4.26 Handrails, grab bars, tub and shower seats

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4.27 Controls and operating mechanisms

4.28 Alarms

4.29 Tactile warnings

4.30 Signage

4.31 Phones

4.32 Seating, tables, and work surfaces

4.33 Assembly areas

4.34 Dwelling units

Other requirements

Evidence

Blueprints and plans*

Upload site plan of school with location of CTE classes, date building was built or modified, showers, and restrooms, a count of general and disabled parking; floor plans of lockers rooms with count.

Maintenance records*

Renovation schedules*

Work orders or contracts indicating construction start dates*

H. Accessibility

CRR 16: New construction under ADA Title II and 504 – Built after January 26, 1992

Each facility or part of a facility constructed by, on behalf of, or for the use of a district/school 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. (Appendix A to 34 *CFR* § 36). UFAS or the 1991 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.

Civil Rights Review

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Section 504: 34 *CFR* § 104.23

Title II: 28 *CFR* §36, Appendix D

- 4.1 Minimum requirements
- 4.2 Space allowance and reach ranges
- 4.3 Accessible route
- 4.4 Protruding objects
- 4.5 Ground and floor surfaces
- 4.6 Parking and passenger loading zones
- 4.7 Curb ramps
- 4.8 Ramps
- 4.9 Stairs
- 4.10 Elevators
- 4.11 Platform lifts (wheelchair lifts)
- 4.12 Windows
- 4.13 Doors
- 4.14 Entrances
- 4.15 Drinking fountains and water coolers
- 4.16 Water closets
- 4.17 Toilet stalls
- 4.18 Urinals
- 4.19 Lavatories and mirrors
- 4.20 Bathtubs
- 4.21 Shower stalls
- 4.22 Toilet rooms
- 4.23 Bathrooms, bathing facilities, and shower rooms
- 4.24 Sinks
- 4.25 Storage
- 4.26 Handrails, grab bars, tub and shower seats

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4.27 Controls and operating mechanisms

4.28 Alarms

4.29 Detectable warnings

4.30 Signage

4.31 Phones

4.32 Fixed or built-in seating or tables

4.33 Assembly areas

4.34 Automatic teller machines

4.35 Dressing and fitting rooms

Other requirements

Evidence

Blueprints and plans*

Upload site plan of school with location of CTE classes, date building was built or modified, showers, and restrooms, a count of general and disabled parking; floor plans of lockers rooms with count.

Maintenance records*

Renovation schedules*

Work orders or contracts indicating construction start dates*

H. Accessibility

CRR 17: New construction under ADA Title II and 504 – Built or altered on or after March 15, 2012

Each facility or part of a facility constructed by, on behalf of, or for the use of a district/school 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. Between September 15, 2010 and March 14, 2012, a sub recipient may utilize UFAS, the 1991 ADA Standards or the 2010 ADA

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Standards. The 2010 ADA Standards apply to facilities constructed on or after March 15, 2012.

Cite 36 *CFR* Part 1191, Appendices B & D

- 4.1 Minimum requirements
- 4.2 Space allowance and reach ranges
- 4.3 Accessible route
- 4.4 Protruding objects
- 4.5 Ground and floor surfaces
- 4.6 Parking and passenger loading zones
- 4.7 Curb ramps
- 4.8 Ramps
- 4.9 Stairs
- 4.10 Elevators
- 4.11 Platform lifts (wheelchair lifts)
- 4.12 Windows
- 4.13 Doors
- 4.14 Entrances
- 4.15 Drinking fountains and water coolers
- 4.16 Water closets
- 4.17 Toilet stalls
- 4.18 Urinals
- 4.19 Lavatories and mirrors
- 4.20 Bathtubs
- 4.21 Shower stalls
- 4.22 Toilet rooms
- 4.23 Bathrooms, bathing facilities, and shower rooms
- 4.24 Sinks
- 4.25 Storage

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4.26 Handrails, grab bars, tub and shower seats

4.27 Controls and operating mechanisms

4.28 Alarms

4.29 Detectable warnings

4.30 Signage

4.31 Phones

4.32 Fixed or built-in seating or tables

4.33 Assembly areas

4.34 Automatic teller machines

4.35 Dressing and fitting rooms

Evidence

Renovation schedules*

Work orders or contracts indicating construction start dates*

I. Comparable Facilities

CRR 18: Comparable Facilities Issues

Separate facilities for students with disabilities should be similar in quality and convenience to facilities for students without disabilities. Separate changing rooms, showers and other facilities for students of one sex should be similar in quality and convenience to the facilities for students of the other sex. Any separate facilities for male, female or students with disabilities should be located in similar proximity to the associated classrooms, shops or laboratories.

(1) If separate programs or facilities exist for students with disabilities, they are comparable to those for students without disabilities.

Guidelines VI-A

Section 504: 34 *CFR* § 104.34(c)

(2) Changing rooms, showers, and other facilities for students of one sex are comparable to those provided to students of the other sex.

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Guidelines VI-D

CCR, Title 5, Chapter 5.3 § 4900 et. seq.

Title IX: 34 *CFR* § 106.33

Section 504: 34 *CFR* § 104.4(b)(ii)

18.1 Facilities are comparable.

18.2 Programs are comparable.

18.3 Services are comparable.

18.4 Locker rooms have approximately the same space and amenities for both males and females.

18.5 If there is disparity, the institution provides a legitimate, nondiscriminatory rationale.

18.6 Changing rooms, shower, bathrooms, and other facilities near the CTE areas are comparable for both men and women.

18.7 Persons with disabilities have convenient access to changing facilities and shower facilities."

Evidence

Comparison of programs and services offered to both students with/without disabilities*

Upload data that shows the number of males, females, and students with disabilities in CTE classes.

Review of facilities*

Upload floor plans of showers, changing rooms and other facilities near or in the CTE areas. Facilities must be comparable for both male and female, and if not, please explain.

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J. Work/Education/Job Placement and Apprenticeship

CRR 19: Work Study Cooperative Education, Job Placement, and Apprentice Training Issues
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An agency not only has the responsibility to provide its services in a nondiscriminatory manner, but it also has the responsibility not to foster discrimination by businesses that provide employment, workplace learning sites or apprenticeship training programs. To be a partner in that discrimination is illegal. Assignments cannot be made or withheld in such programs simply because of the sex, race, national origin, or disability of the student. It is also illegal to cooperate with an employer that requests students on the basis of sex, race, color, national origin or disability status. Agencies should have written agreements whereby the cooperating worksite indicates that they will not discriminate. It is necessary to review these written agreements, the assignments of students presently in such programs and the placement process to see whether any such patterns exist.

(1) Opportunities in work study, cooperative education, job placement and apprenticeship training programs are available equally to all students regardless of race, color, national origin, sex, or disability.

Guidelines VII-A

Title VI: 34 *CFR* § 100.3(b)

Title IX: 34 *CFR* § 106.31(d)

Section 504: 34 *CFR* §104.4(b)

(2) A district/school that assist employers and prospective employers in making employment opportunities available to any of its students must ensure that the employer does 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.

Guidelines VII-A

Title VI: 34 *CFR* § 100.3(b)

Title IX: 34 *CFR* § 106.38

19.1 Students in the work-study, cooperative education, job placement and apprenticeship training programs are representative of the demographics of the school or program.

19.2 If there is disparity, the institution provides a legitimate, nondiscriminatory rationale.

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19.3 Workplace agreements contain an assurance of nondiscrimination that is signed by both the employer and the agency.

19.4 The district/school does not honor any employer's requests for students who are free of disabilities or for students of a particular race, color, national origin, or sex.

Evidence

Work study/Job Placement/Apprentice training*

Upload enrollment data of students in these programs and a policy of participation into any apprenticeship/training programs at the district/school.

J. Work/Education/Job Placement and Apprenticeship

CRR 20: Apprenticeship Training Program Issues

In the same way that an employer may not discriminate and the educational agency may not work with any that do discriminate, it also has the responsibility to ensure that entities sponsoring apprenticeship programs such as unions do not discriminate. To be a partner in that discrimination is illegal. Assignments cannot be made or withheld in an apprenticeship program simply because of the sex, race, color, national origin, or disability of the student. A written agreement is recommended whereby the apprenticeship program indicates it will not discriminate on these bases. It is necessary to review apprenticeship assurance forms, the assignments of students presently in such programs and the placement process to see whether any such patterns exist.

(3) Schools 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.

Guidelines VII-B

Title VI: 34 *CFR* § 100.3(c)

Title IX: 34 *CFR* § 106.31(d)

Section 504: 34 *CFR* § 104.11(a)(4)

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(4) A written agreement between the agency and the labor union or other sponsor includes an assurance of nondiscrimination on the basis of race, color, national origin, sex, or disability.

Guidelines VII-B

20.1 Verification that staff understands this requirement.

20.2 Verification that the staff has not honored any request.

20.3 Written agreement between apprenticeship program and the agency contains the nondiscrimination statement that is signed by both parties.

Evidence

Apprenticeship Written Agreements*

Upload written agreements between the district/school and hiring agency that has a nondiscrimination notice; list of all apprenticeship training programs, work study or job shadowing opportunities.

Student Job Assignments*

Upload a copy of student job assignments. Redact all student names and personal information.

K. Employment

CRR 21: Employment Issues

Districts/schools are prohibited from engaging in any employment practice that discriminates against any employee or applicant for employment on the basis of sex, disability, race, color, national origin, sexual orientation, gender, ethnic group identification, ancestry, religion, or mental or physical disability. Specific issues include employment policies, recruitment and selection matters, salary establishment and administration, reasonable accommodation, and overcoming the effects of past discrimination.

Suggested Persons to Interview: Personnel Director/Human Resources Director/Human Director, Recruiters or Personnel Staffing Specialists, Affirmative Action Officer, Top Managers, Members of Recruitment and Selection Teams or Committees, Recent hires, Union Officers or Negotiators, Staff who are members of protected groups.

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(1) Districts/schools may not engage in any employment practice that discriminates against any employee or applicant for employment on the basis of sex or disability. Districts and schools 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. Districts/schools may not make pre-employment inquiries concerning disability, marital, or parental status.

Guidelines VIII-A

CCR, Title 5, Chapter 5.3 § 4900 et. seq.

Title VI: 34 *CFR* § 100.3(c)

Title IX: 34 *CFR* §106.51

Section 504: 34 *CFR* §§ 104.11, 104.13.

(2) The district/school must notify every source of faculty that it does not discriminate on the basis of race, color, national origin, sex, or disability.

Title IX: 34 *CFR* §§106.57, 106.60;

Section 504: 34 *CFR* § 104.14.

Guidelines VIII-B

(3) The district/school should establish and maintain faculty salary scales on the basis of the conditions and responsibilities of employment without regard to race, color, national origin, sex, or disability.

Guidelines VIII-D

Title IX: 34 *CFR* § 106.54

Section 504: 34 *CFR* §§ 104.11-12

(4) District/schools must provide equal employment opportunities for teaching and administrative positions to applicants with disabilities who can perform the essential functions of the positions and make reasonable accommodations for the physical or mental limitations of disabled (otherwise qualified) applicants unless it can be demonstrated that such accommodations would impose undue hardship.

Guidelines VIII-E

Section 504: 34 *CFR* § 104.12

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21.1 District/schools employment practices are conducted without regard to race, color, national origin, sex, or disability of applicants or employees.

21.2 Application forms and materials are free from prohibited questions concerning disability or marital or parental status.

21.3 Agency notifies its sources of faculty that it does not discriminate on the basis of race, color, national origin, sex, or disability.

21.4 Faculty salary scales and policy are based upon the conditions and responsibilities of employment without regard to race, color, national origin, sex, or disability.

21.5 Faculty assignment patterns are nondiscriminatory on the basis of race, color, national origin, sex, or disability.

21.6 Non-faculty salary administration is based upon the conditions of employment without regard to race, color, national origin, sex, or disability.

21.7 District/school's employment policies do not unlawfully discriminate against the disabled.

21.8 Disabled persons are employed in teaching and administrative positions and are not treated differently in promotion and tenure decisions.

Evidence

Employment Policies*

Upload districts/school policies on employment: handbook; salary scales; copies of questions asked of potential applicants; policy about disabled; and policy against harassment in the workplace.

Employee job application*

Upload job application for certificated/classified positions that include the sexual harassment and nondiscrimination policy; information about the Title IX coordinator and recruitment material.

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L. Additional California Non-Discrimination Laws

CRR00: All educational programs and activities under the jurisdiction of the State Board of Education receiving or benefiting from state or federal financial assistance shall be available to all qualified persons without regard to sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability.

Additional California nondiscrimination laws include the following:

L. Additional California Non-Discrimination Laws

CRR 22: Sexual Harassment

District/school shall not sexually harass another person in the work or educational environment.

No person from or in the educational or work environment shall retaliate against a complainant, witness, or other person who supports or participates in a sexual harassment investigation.

Title 5, *CCR* 5 §§ 4915-17; § 4963; *Ed. Code* §§ 200, 220, 230(g)

22.1 A variety of district/school Publications notify applicants, students, employees and parents that it prohibits sexual harassment in the work or educational environment, that sexual harassment is a form of sex discrimination and, as such, may result in disciplinary or other action by the school district.

Evidence

Sexual harassment, employee and student policies*

Upload the sexual harassment policy for employees and students, how and when information is given, copies of brochures, catalogues, web site, handbooks, posters any forms of advertising the policy.

Disciplinary action taken*

Any data relating to disciplinary action taken relating to sexual harassment.

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L. Additional California Non-Discrimination Laws

CRR 23: Student Clubs

District/school may not exclude any person from membership in student clubs regardless of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability.

Title 5, Chapter 5.3 § 4925

Ed. Code §§ 200, 220

23.1 District/school publications that notify students that it does not discriminate membership in student clubs.

Evidence

List and description of extracurricular programs or activities*

Written nondiscrimination policy and procedures for extracurricular programs or activities*

Upload copy of policies and procedures about student clubs, programs, and activities which includes the nondiscrimination notice.

L. Additional California Non-Discrimination Laws

CRR 24: Parental, Family, or Marital Status
--

District/school may not exclude any person from any program or activity or employment because of actual or potential parental, family, or marital status, or the exclusion of any person because of pregnancy or related conditions.

CCR, Title 5, Chapter 5.3 § 4914

24.1 A variety of district/school publications notifies applicants, students, employees and parents that it does not discriminate on the basis of potential parental, family, or marital status or the exclusion of any person because of pregnancy or related conditions.

Evidence

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District and school policies regarding parental, family or married persons*

Upload publications, handbooks, job announcements, recruitment materials, web site or newspaper which notifies applicants, students, employees and parents of the policy against discrimination.

L. Additional California Non-Discrimination Laws

CRR 25: Extracurricular Activities

A district / school may not provide or otherwise carry out any of its extracurricular programs or activities separately, or require or refuse participation by any of its students on the basis of sex, sexual orientation, gender, ethnic group identification, race ancestry, national origin, religion, color, or mental or physical disability.

Title 5, Chapter 5.3 § 4925

Ed. Code §§ 200, 220

Evidence

Written nondiscrimination policy and procedures for extracurricular programs or activities*

Upload copies of a school policy of nondiscrimination for any extracurricular programs or activities.

M. CAIS use is complete

CRR 26: Following the on-site review, a Letter of Findings (LOF) will be issued within 30 calendar days. LEAs with areas of noncompliance are required to complete a Voluntary Compliance Plan (VCP) within 60 calendar days following the LOF date.