

# California Department of Education

## Education Equity

### 2015-16 Program Instrument

#### II. Governance and Administration

#### **II-EE 01: Administrative Requirements**

II-EE 1. 1.0 The local educational agency (LEA) adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation or association with a person or a group with one or more of these actual or perceived characteristics. The policy shall include the following: a) A statement that it applies to all acts related to school activity or school attendance within a school under the jurisdiction of the superintendent of the school district. b) Requirement that school personnel take immediate steps to intervene when safe to do so when he or she witnesses an act of discrimination, harassment, intimidation, or bullying.

*(California Education Code (EC) sections (§§) 200, 220, 221.5, 234.1, and 260; California Government Code (GC) section (§) 11135; California Penal Code (PC) section 422.55; California Code of Regulations, title 5, (5 CCR) sections 4900, 4902, and 4960)*

1.1 The LEA adopted and implemented a complaint process to receive, investigate, and resolve allegations of discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, age, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics, and shall include, but not limited, to the following:

- a. A timeline for the investigation and resolution of complaints of discrimination, harassment, intimidation, or bullying that all schools under the jurisdiction of the district will follow.
- b. Provide an appeal process to the complainant should he or she disagree with the resolution of the complaint.
- c. All forms created relative to this process shall be translated pursuant to EC § 48985.

*(EC §§ 221.5, 234.1(b), and 260; 5 CCR §§ 4621 and 4960(a))*

1.2 Publicized policies that prohibit discrimination, harassment, intimidation, and bullying, including information about how to file a complaint, to students, parents,

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employees, agents of the governing board, and the general public. This information is to be translated according to *EC* § 48985.

(*EC* §§ 234.1(c), 35291, 48980(a) and (g); 5 CCR §§ 4622 and 4960(b))

1.3 Investigated all allegations of discrimination and implemented effective corrective actions whenever necessary and appropriate; maintained documentation of complaints and their resolution for a minimum of one review cycle; and ensured that complainants are protected from retaliation and the identity of a complainant remains confidential.

(*EC* §§ 234.1(b) and (e)-(f), 260; 5 CCR §§ 4621 and 4962)

1.4 Posted policies prohibiting discrimination, harassment, intimidation, and bullying in all schools and offices, which include staff lounges and student government meeting rooms.

(*EC* § 234.1(d))

1.5 Identified the person in the LEA responsible for implementation of the policy prohibiting discrimination, harassment, intimidation, and bullying; and the person responsible for investigating complaints, as well as ensuring compliance with the following: *Cal. Code of Regs.*, Title 5, sections 4600 et seq. and 4900 et seq.; and *Ed. Code* sections 200-283.

(*EC* § 234.1(g); 5 CCR §§ 4621(b) and 4961)

### Evidence

Complaint files received in the past 12 months\*

On site review of discrimination/intimidation/harassment/bullying complaints filed in the past 12 months regarding protected groups, as defined by *EC* 200/220, alleged by students/parents/employees.

Confirmation of nondiscrimination policy posting\*

Confirmation statement signed by the LEA superintendent certifying that all schools have posted the nondiscrimination policies in offices, including staff lounges and student government meeting rooms.

Agency web page\*

Upload legible screen shot of agency's web page displaying the nondiscrimination statement which includes all protected groups stated in *Education Code* sections 200 and 220.

Educational program and activity brochures\*

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Upload educational and activity brochures that contain the nondiscrimination statement language.

#### Agency or school catalogs\*

Upload agency or school catalogs that contain the nondiscrimination statement language which must include all the protected groups listed in Education Code sections 200 and 220.

#### Pages of the Parent Handbooks containing the nondiscrimination statement\*

Upload the agency/school parent handbook which contains the nondiscrimination statement language which must include all the protected groups listed in Education Code sections 200 and 220.

#### Agency Governing Board Policy on nondiscrimination, harassment, intimidation, and bullying\*

Upload the most recent governing board policy, with approval date, prohibiting discrimination, harassment, intimidation, and bullying.

#### Agency Governing Board Policy on complaint process\*

Upload the most recent governing board policy, with approval date, demonstrating any and all of the agency's complaint processes relating to discrimination, harassment, intimidation, and bullying.

#### Educational Program posters\*

Upload agency/school posters, or photos of posters, related to educational programs that contain the nondiscrimination statement which must include the protected groups specified in EC 200 and 220.

#### Sample employee job application\*

Upload sample job applications which include the nondiscrimination statement language and the name, office address and phone number of the designated compliance officer(s) in accord with this section.

#### Sample employee recruitment materials\*

Upload recruitment materials for potential employees which contain the nondiscrimination statement language that includes the protected groups listed in Education Code sections 200 and 220.

#### Sample job announcements\*

Upload sample job announcements that contain the nondiscrimination statement language. The language is to include the protected groups listed in Education Code sections 200 and 220.

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Pages of the Student Handbook(s) containing nondiscrimination statement and complaint process\*

Upload the agency/school student handbook that has a valid nondiscrimination statement/complaint process, and the contact name, office address and phone number of the designated compliance officer(s).

## II. Governance and Administration

### II-EE 02: Governance Counseling Staff

II-EE 2. All employees and materials do not discriminate against any student based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics.

(*EC* §§ 200, 220, 221.5, and 260; *GC* § 11135; *PC* § 422.55; 5 *CCR* §§ 4900, 4902, and 4960)

2.1 The LEA develops and uses an internal procedure to ensure that different counseling materials for students are not used on the basis of sex or the use of materials does not permit or require different treatment of students based on sex.

(Title 34 *Code of Federal Regulations* (34 *CFR*) § 106.36(b))

2.2 The LEA takes action to ensure that any disproportionate number of students of one sex enrolled in a particular class is not the result of counseling or appraisal materials.

(34 *CFR* § 106.36(c))

### Evidence

Complaint files received in the past 12 months\*

On site review of discrimination/intimidation/harassment/bullying complaints filed in the past 12 months regarding protected groups, as defined by EC 200/220, alleged by students/parents/employees.

Guidance counseling materials\*

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Upload career and guidance counseling materials that encourage all students to participate in all programs, courses, or activities.

#### Agency web page\*

Upload legible screen shot of agency's web page displaying the nondiscrimination statement which includes all protected groups stated in Education Code sections 200 and 220.

#### Course announcements\*

Upload course announcements which exhibit all courses are available to all students irrespective of protected group status or association with one or more of these actual or perceived characteristics.

#### Educational program recruitment materials\*

Upload recruitment materials that contain the nondiscrimination statement language which must include all the protected groups listed in Education Code sections 200 and 220.

#### Agency or school policy related to nondiscrimination for counseling staff and counseling materials\*

Upload an agency policy for guidance/counseling materials and services that contains the nondiscrimination statement language which must include all the protected groups listed in EC 200 and 220.

#### Pages of the Parent Handbooks containing the nondiscrimination statement\*

Upload agency/school parent handbook that includes the nondiscrimination statement language which must contain all protected groups specified in Education Code sections 200 and 220.

#### Policy or statement explaining the master course scheduling process\*

Upload an agency's process to identify and resolve disproportionate numbers of students of one sex in a particular course.

#### School newsletter or communications related to academic counseling resources\*

Upload any outreach materials sent to parents/students promoting academic counseling resources which demonstrates all courses are available to all students irrespective of protected group status.

#### Pages of Student Handbook(s) pertaining to academic programs\*

Upload the agency/school parent handbook that contains information which indicates participation in academic programs and/or courses are open to all students irrespective of sex.

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<b>II-EE 03: Governance Rule</b>
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II-EE 3. The LEA applies no rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.

(5 *CCR* § 4950; 34 *CFR* § 106.40(a))

3.1 The LEA does not exclude or deny any student from any educational program or activity solely on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

(5 *CCR* § 4950(a); 34 *CFR* § 106.40(b)(1))

3.2 Pregnant students and parenting male or female students are not excluded from participation in their regular school programs or required to participate in pregnant-student programs or alternative educational programs.

(5 *CCR* § 4950(c); 34 *CFR* § 106.40(b)(1))

3.3 Pregnant/parenting students who voluntarily participate in alternative programs are given educational programs, activities, and courses equal to the regular program.

(5 *CCR* § 4950(c); 34 *CFR* § 106.40(b)(3))

3.4 The LEA treats pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disability.

(5 *CCR* § 4950(d); 34 *CFR* § 106.40(b)(4))

#### **Evidence**

##### Alternative education materials\*

Upload brochures, pamphlets, flyers and policies pertaining to alternative education for pregnant and parenting students.

##### Pregnant and parenting materials\*

Brochures, flyers, and other materials offering assistance available to pregnant and parenting students and full access to all programs and activities.

##### Agency web page\*

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Upload legible screen shot of agency's web page displaying the nondiscrimination statement which includes all protected groups stated in Education Code sections 200 and 220.

Guidance counseling for pregnant and parenting students\*

Counseling materials related to opportunities for pregnant and parenting students

Agency or school pregnant, family, parental, and marital status policy\*

Upload an agency or school policy related to student's actual or potential parental, family, or marital status and prohibits differential treatment of students on the basis of sex.

Pages of Parent Handbook(s) pertaining to parental, family, or marital status\*

Upload the parent handbook which prohibits discrimination based on actual parental, family, or marital status and prohibits differential treatment of students on the basis of sex.

Program schedules - 3 pregnant/parenting students and 3 regular students in the same grade level\*

Upload schedules for three pregnant and/or parenting students and three regular students in the same grade level and site with names and personal information redacted.

Pages of the Student Handbook(s) with information regarding pregnant and/or parenting students\*

Upload the agency/school parent handbook that contains information regarding pregnant and parenting students. Information provided to students must conform to the perimeters outlined in II-EE 3.

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### II-EE 04: Sex Equity

II-EE 4. Governing board policy prohibits sexual harassment as a form of sexual discrimination and provides notification of available remedies.

(EC § 231.5(a)-(c))

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4.1 The LEA notifies students, parents, employees, and others that it does not discriminate on the basis of sex.

(34 *CFR* § 106.9(a))

4.2 The LEA policy on sexual harassment is prominently displayed.

(*EC* § 231.5(d))

4.3 LEA nondiscrimination announcements include the name, office address, and office telephone number of the officer responsible for equity and compliance with Title IX.

(5 *CCR* § 4961; 34 *CFR* §§ 106.8(a)-(b) and 106.9)

4.4 The LEA maintains records of complaints of sexual harassment brought by pupils and employees of the school district.

(*EC* § 253(a); 5 *CCR* §§ 4960(b) and 4961)

### Evidence

Complaint files based on sex received in the past 12 months\*

Onsite review of complaints filed during the past 12 months pertaining to discrimination on the basis of sex alleged by student/parents/employees. If online review only, agency consults with reviewer.

Agency web page\*

Upload legible screen shot of agency's web page displaying the nondiscrimination statement which includes all protected groups stated in Education Code sections 200 and 220.

Pages of the Parent Handbooks with sexual harassment policy\*

Upload the agency/school parent handbook which contains the policy prohibiting sexual harassment as a form of sex discrimination.

Agency Governing Board Policy on sexual harassment\*

Upload the most recent governing board policy, with approval date, prohibiting sexual harassment.

Agency Governing Board Policy on complaint process relating to sexual harassment\*

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Upload the most recent governing board policy, with approval date, outlining any and all of the agency's complaint processes relating to sexual harassment.

Sample employee job application with sexual harassment policy\*

Upload sample certificated/classified job applications which include the sexual harassment policy and the name, office address and phone number of the Title IX Coordinator for employees and students.

Pages of the Student Handbook(s) with sexual harassment policy\*

Upload agency/school student handbook which has a policy prohibiting sexual harassment, the complaint process, and name, office address and phone number of the Equity/Title IX compliance officer(s).

Confirmation of sexual harassment policy posting\*

Confirmation statement signed by the LEA superintendent certifying that all schools have posted the sexual harassment policies in the main admin and other areas where the agency's notices are posted.

## III. Funding

### III-EE 05: Funding

III-EE 5. Athletic programs supported by public funds provide equal opportunity for participation by all students and ensure equitable use of such funds.

(5 *CCR* §§ 4900(b), 4920, and 4922)

5.1 If the LEA reduces its athletic budget, it does so consistent with state and federal gender equity laws.

(*EC* § 230(e); 5 *CCR* § 4922(b); 34 *CFR* § 106.41(c))

### Evidence

Fiscal records for athletic programs\*

Provide fiscal records that contain line item expenditures for athletic program equipment, facilities, coaches and instructor's salary pay scale as it pertains to the fair distribution of funding.

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Pages of the Student Handbook(s) containing participation in athletics/sports \*

Upload the agency/school student handbook that contains information regarding participation in athletics/sports that all sports are open to all students irrespective of sex.

## VI. Opportunity and Equal Educational Access

### **VII-EE 06: Opportunity and Equal Educational Access**

VI-EE 6. LEA programs, activities, and student clubs are available to all persons without regard to actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race, ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics.

(*EC* §§ 200, 220, and 260; 5 *CCR* §§ 4925-4926)

6.1 The LEA monitors compliance with any and all applicable nondiscrimination rules and regulations.

(*EC* § 260)

6.2 All student clubs have equal access to facilities and a fair opportunity to meet.

(5 *CCR* § 4927)

6.3 No course or activity is labeled or scheduled which results in the separation of students on the basis of sex, sexual orientation, gender identity, race, ancestry, national origin, religion, color, and mental or physical disability.

(5 *CCR* § 4940(d))

6.4 Sex-segregated programs, activities, and facilities, including the participation on all sex-segregated athletic teams and in all sex-segregated competitions, shall be available to all pupils on the basis of their individual gender identity, irrespective of the gender listed on a pupil's records.

(*EC* § 221.5(f))

6.5 The LEA recognizes and eliminates unlawful discrimination.

(5 *CCR* § 4900)

6.6 The LEA investigates complaints of unlawful discrimination.

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(5 CCR § 4960(a))

#### Evidence

Student programs, activities and clubs materials\*

Brochures, flyers, and other materials that show all student programs/activities/clubs are available and accessible to all students irrespective of protected group status as defined in EC 200/220.

Agency or school policy for adding new classes of instruction\*

Upload an agency or school policy for adding new classes or instruction that contains the nondiscrimination statement language.

Agency or school policy related to programs, activities, and student clubs\*

Upload an agency or school policy for programs, activities, and student clubs that contains the nondiscrimination statement language which encompasses all protected groups specified in EC 200 and 220.

Student participation records\*

Participation records and membership bylaws for student programs, activities and clubs. If applicable, redact all student names and personal information.

Clubs, programs, and activity posters/bulletins\*

Upload the agency/school's posters/bulletins or photos advertising student clubs, programs and activities that has the nondiscrimination statement which contains all protected groups in EC 200/220.

Recruitment materials promoting participation in student programs, activities, and clubs\*

Upload agency/school recruitment materials informing students of school offered opportunities in programs/activities/clubs that has the nondiscrimination statement which includes all protected groups.

School newsletter or communications related to student programs, activities, and clubs\*

Upload outreach materials to parents/students promoting student programs, activities and clubs (newsletters etc.) that contain the nondiscrimination statement which include all protected groups.

Selection criteria for Agency student programs, activities, and clubs\*

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Upload agency policies on student participation in athletics/competition, extracurricular and co-curricular activities that indicate student's availability to all programs, activities and clubs.

Pages of the Student Handbook(s) containing nondiscrimination statement and complaint process\*

Upload the agency/school student handbook which contains the nondiscrimination statement language/complaint process, and name, office address and phone number of the designated compliance officer(s).

Sex-segregated programs, activities, facilities, athletic teams and competitions<sup>8</sup>

Upload agency's written process/policy that shows availability to all irrespective of the gender listed on a pupil's records.

## VII. Teaching and Learning

### VII-EE 07: Teaching and Learning

VII-EE 7. The LEA accommodates the interests and abilities in athletics of both sexes by any one of the following means:

(a) Opportunities for interscholastic-level participation for male and female students are substantially proportionate to their respective enrollments.

(EC § 230(d)(1))

(b) The history of the program and continuing practice of expansion are responsive to the developing interest and abilities of members of the sex that has been and is underrepresented among interscholastic athletes.

(EC § 230(d)(2))

(c) Interests and abilities of the underrepresented sex have been fully and effectively accommodated by the present program.

(EC § 230(d)(3))

7.1 The LEA ensures that each public elementary, secondary school, and charter school offering competitive athletics shall make all of the following information publicly available at the end of the school year and shall reflect the total number of players on a team roster on the first official day of team competition: total enrollment of the school, classified by gender; number of pupils enrolled at the

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school who participate in competitive athletics, classified by gender; number of boys' and girls' teams, classified by sport and competition level.

(*EC* §§ 221.9(a-b))

a. This information shall be posted on the Internet and be listed by individual school. (*EC* § 221.9(c))

b. All data utilized to compile each school's information shall be retained by the school for a minimum of three years after the information is posted on the Internet. (*EC* § 221.9(d))

7.2 Facilities and equipment provided for students are comparable and equitable to both sexes without disparity or imbalance, consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.

(*EC* § 221.5(f); 5 *CCR* §§ 4922(a)(7)-(9); 34 *CFR* § 106.33)

### Evidence

Athletics course handbook(s)\*

All student, parent, and sports specific handbooks pertaining to athletic programs.

Athletics master/competition schedule\*

Schedules showing all sports, competition times, and locations.

Athletics newsletter/school newspaper\*

Newspaper or newsletter advertising athletics programs.

Athletics recruitment and selection criteria\*

Handbooks and school policies that pertain to student recruitment and participation in athletics.

Athletics rosters that indicate gender identification\*

Athletic rosters that indicate gender identification. Student names and personal information must be redacted.

Agency athletic web page\*

Upload legible screen shot of agency's web page displaying the nondiscrimination statement which includes all protected groups stated in Education Code sections 200 and 220.

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Agency or school policy related to athletics\*

Upload an agency policy for athletics which addresses discrimination.

Site maps\*

Upload scaled maps of district school sites with active athletics/sports indicating girls and boys locker room locations and square footages, locker counts, shower counts, toilet and/or urinal counts.