



TOM TORLAKSON
State Superintendent
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Federal Program Monitoring

Education Equity

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CALIFORNIA DEPARTMENT OF EDUCATION

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Purpose of Training

- Overview of the Education Equity review;
- Authority for the review;
- The three types of evidence that aid in meeting the legal obligations of the review;
- Seven components of the review
- **Please table your questions until after the presentation**



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Education Equity Review

To ensure that Local Education Agencies (LEAs), meet their legal obligation to provide a discrimination-free learning environment by:

- Reviewing policies, procedures and practices related to the LEAs programs;
- Provide compliance assistance to LEAs – information or guidance regarding meeting the legal requirements



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Authority for the Reviews

State of California Requirements

- **California Education Code, Sections:**
 - 200 – State policy, purpose;
 - 201 – Legislative declarations and intent;
 - 220 through 221.1 – Prohibition of Discrimination;
 - 221.5 through 231.5 – Sex Equity in Education Act;
 - 234 through 234.1 – Safe Place To Learn Act;
 - 260 – Primary responsibility of the Local Education Agency's (LEAs) governing board to ensure the LEAs compliance with rules and regulations

- **California Code of Regulations, Title 5, section 4900, et. seq. Non-Discrimination and Educational Equity**



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Authority for the Reviews

Federal Law Requirements

- **Title VI of the Civil Rights Act of 1964** , 42 USC section 2000(d), 34 CFR Part 100 – race, color, national origin discrimination.
- **Title IX of the Education Amendments of 1972** , 20 USC section 1681 et seq., 34 CFR Part 106 – sex discrimination.
- **Section 504 of the Rehabilitation Act of 1973** , 29 USC section 794, 34 CFR Part 104 – disability discrimination.



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Procedure to Determine Compliance

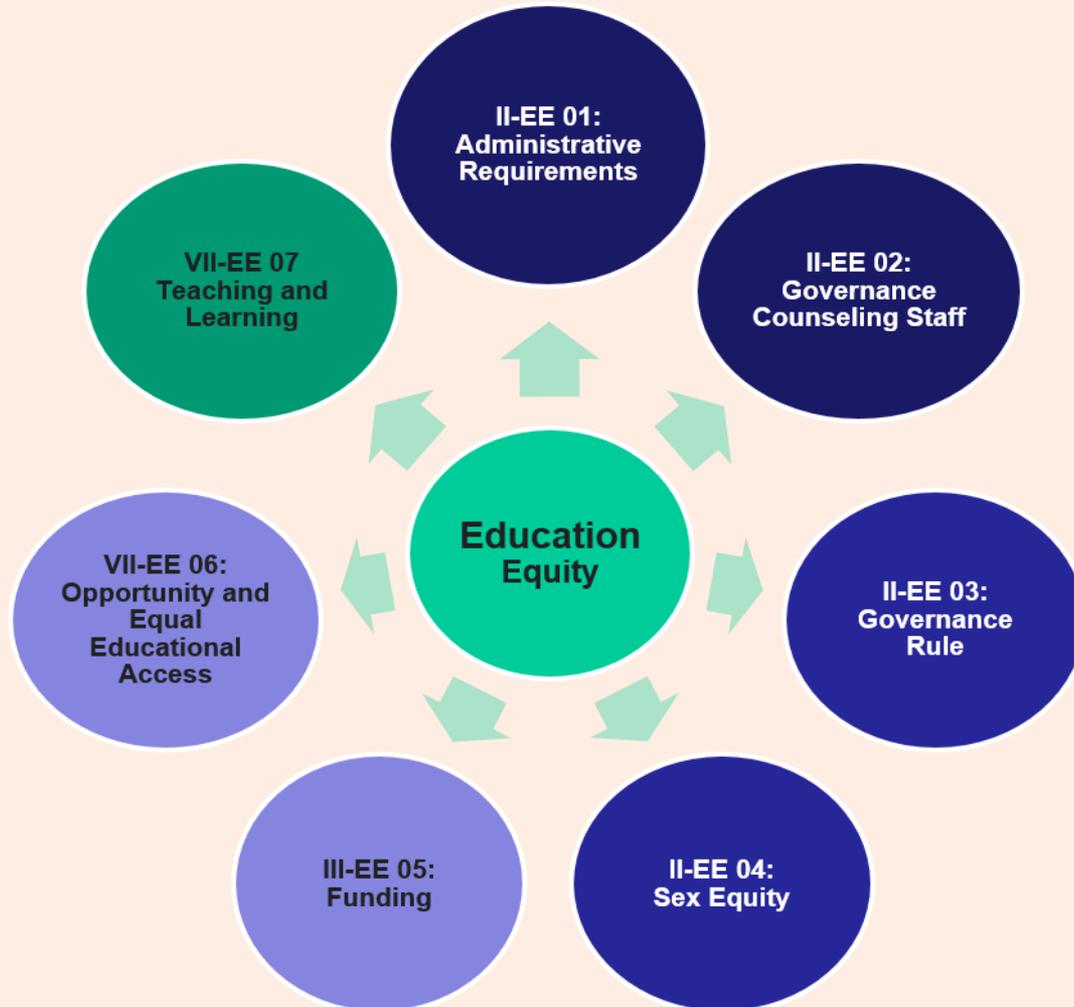
Procedure to gather information for evidence of compliance is:

1. **Documentation** – District's school wide publications, annual notifications, board policies, procedures;
2. **Observation** – District's information boards in all staff break rooms/ lounges and Main Administrative building;
3. **Interviews** – District administrators, certificated and classified staff, and other interested parties.



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Required Areas of Review





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Determining Compliance with Nondiscrimination Statement Language Requirement

A nondiscrimination statement language requirement

Protected groups:

Sexual Orientation	Gender Identity	Disability	Gender Expression	Nationality	Religion	Age
Ancestry	Color	Gender	Race	Sex	Ethnicity	



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Required Areas of Review

II-EE 01: Administrative Requirements

District adopts a policy that prohibits discrimination, harassment, intimidation, and bullying based on protected group(s)

- Policy includes:
 - a) statement that it applies to all acts related to school activity or school attendance
 - b) requirement that staff take immediate steps to intervene when it is safe to do so



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Required Areas of Review

II-EE 01: Administrative Requirements (con't)

1.1 & 1.2 publicized policy and how to file a complaint

- All information is translated in accordance with Ed. Code § 48985
- District must have a complaint process that includes:
 - Timeline for the investigation of the complaint;
 - Appeals process for the complainant;
 - All complaint forms are translated in accordance with Ed. Code § 48985



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Required Areas of Review

II-EE 01: Administrative Requirements (con't)

1.3 District investigates all allegations and implements effective corrective actions :

- Maintain all complaint investigation documentation;
- Maintain all complaint investigation resolutions;
- Retain all documentation for the length of one Federal Program Monitoring Review cycle;
- Protect complainants from retaliation;
- Identity of complainant remains confidential

1.4 District's policy is posted in all schools and district office, to include staff lounges and student government meeting rooms



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Required Areas of Review

II-EE 01: Administrative Requirements (con't)

1.5 Identify the district designee(s) responsible for implementation of policy, investigating complaints and ensuring compliance

Examples of evidence*:

- LEA's adopted board policies about nondiscrimination for:
a. staff and b. students
- LEA's Parent/ Student & Employee Handbook(s) that are sent out staff, students & parents
- Interview with Director of Student Services / CC of R Title 5 designees
- Certification or visual observation of nondiscrimination postings in the district office and staff break room
- LEA's student and staff discrimination complaints showing the complaint process and resolution
- Interview with Director of Human Resources / CC of R Title 5 designees

* This is not an exhaustive list of evidence that will meet the legal requirements for this section



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Required Areas of Review

II-EE 02: Governance Counseling Staff

2.0 No employees nor student counseling materials discriminate against any protected group

2.1 Internal procedure to ensure that different counseling materials are not used on the basis of sex nor permit, require different treatment of student based on sex

2.2 Enrollment in classes, where a disproportionate number of students of one sex exists, is not a result of the district's counseling department's appraisal materials

Examples of evidence*:

- LEA's student counseling materials
- LEA's course catalogs
- LEA's policy for identifying and resolving disproportionate numbers of students of one sex in a particular class

* This is not an exhaustive list of evidence that will meet the legal requirements for this section 13



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Required Areas of Review

II-EE 03: Governance Rule

3.0 District has no policy concerning a student's actual or potential, family, or marital status that treats students differently on the basis of sex

3.1 District does not exclude or deny any student from any educational program or activity because of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom

3.2 Pregnant and parenting students are not excluded from regular school programs nor required to attend alternative educational / pregnant student programs

3.3 Pregnant/ parenting students in alternative programs receive equal courses, activities and educational programs to that of non-pregnant/non-parenting student



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Required Areas of Review

II-EE 03: Governance Rule

3.4 Pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom is treated the same way the district treats temporary disability

Examples of evidence*:

- LEA's alternative education policy
- LEA's policies regarding nondiscrimination as it pertains to pregnant & parenting students
- Pregnant & parenting student schedules and a sampling of non-pregnant & parenting student schedules

* This is not an exhaustive list of evidence that will meet the legal requirements for this section



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Required Areas of Review

II-EE 04: Sex Equity

4.0 Board policy prohibiting sexual harassment

4.1 Students, parents, employees, and others are notified

4.2 District prominently displays sexual harassment policy

4.3 District clearly identifies the designees for Title IX equity and compliance on all nondiscrimination announcements which must include:

- Name (or Title), Office address and telephone number



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Required Areas of Review

II-EE 04: Sex Equity

4.4 All records of sexual harassment complaints are maintained

Examples of evidence*:

- Complaints filed during the past 12 months
- Agency annual notices to staff, students & parents
- Upload the most recent governing board policy, with approval date

* This is not an exhaustive list of evidence that will meet the legal requirements for this section



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Required Areas of Review

II-EE 05: Funding

5.0 Equity in athletic programs

5.1 If the athletic budget is reduced, it is done in a manner that is consistent with State and Federal gender equity laws

Examples of evidence*:

- Provide fiscal records that contain line item expenditures for athletic program equipment, facilities, coaches and instructor's salary pay scale
- Upload the agency/school student handbook

* This is not an exhaustive list of evidence that will meet the legal requirements for this section



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Required Areas of Review

VII-EE 06: Opportunity and Equal Educational Access

6.0 Availability of district programs, activities and student clubs

6.1 Compliance monitored by the School District

6.2 All student clubs have equal access

6.3 No course or activity is labeled or scheduled which results in the separation of students



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Required Areas of Review

VII-EE 06: Opportunity and Equal Educational Access

6.4 Sex-segregated programs, activities, and facilities shall be available to all student's on the basis of their individual gender identity regardless of the gender listed on a student's records

6.5 & 6.6 The school district recognizes, eliminates and investigates complaints of unlawful discrimination

Examples of evidence*:

- Agency's policies on participation in athletics, competition in athletics, and participation in extracurricular and co-curricular activities
- Brochures, flyers, and other materials
- Agency or school policy for programs, activities, and student clubs

* This is not an exhaustive list of evidence that will meet the legal requirements for this section



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Required Areas of Review

VII-EE 07: Teaching and Learning

7.0 Agency accommodates athletic interests and abilities for both sexes by:

- Substantially proportionate athletic opportunities for male and female athletes;
- A history and continuing practice of expanding opportunities for the under-represented sex;
- The underrepresented sex has been fully and effectively accommodated by the present program;



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Required Areas of Review

VII-EE 07: Teaching and Learning

7.1 Each public elementary, secondary, and charter school offering competitive athletics publicizes the following information at the end of the school year:

- Total enrollment of the school, classified by gender;
- Number of pupils enrolled at the school who participate in competitive athletics, classified by gender;
- Number of boys' and girls' teams, classified by sport and competition level

Posted on the Internet and listed by individual school

Retain data for 3 years



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Required Areas of Review

VII-EE 07: Teaching and Learning

7.2 Facilities and equipment provided for students are comparable and equitable to both sexes without disparity or imbalance

Examples of evidence*:

- All student, parent, and sports specific handbooks pertaining to athletic programs.
- Upload an agency policy for athletics which addresses discrimination.
- Maps of district school sites with active athletics

* This is not an exhaustive list of evidence that will meet the legal requirements for this section



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