



Civil Rights Review 2020-21 Program Instrument California Department of Education December 2020

CRR 01: Continuous Nondiscrimination Notice

- 1.0 Recipients must take continuing steps to notify participants, beneficiaries, applicants, elementary and secondary school parents, employees (including those with impaired vision or hearing), and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of race, color, national origin, sex, or disability. (34 *Code of Federal Regulations (CFR)* Section 106.9; 34 *CFR* Section 104.8; 34 *CFR* Section 100.6(d); 28 *CFR* Section 35.106)

Related California Law:

Related California laws also provide added protection on the basis of actual or perceived ancestry, ethnicity, gender, gender identity, gender expression, immigration status, religion, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. (*Education Code (EC)* Sections 200 and 220; Title 5 California Code of Regulations (5 *CCR*) Section 4622, 4960(b), 4900 et seq.)

Evidence Requests

Employee Handbook(s)

Abbreviation: EmplHndbks

Description: Employee handbook(s).

Item Instructions:

Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06, CRR 22

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Job Announcements

Abbreviation: JbAncmnts
Description: Sample job announcements for classified and certificated positions
Item Instructions: CRR 01: Announcements must include the nondiscrimination notice.
Related Items: CRR 01, CRR 22

Job Applications

Abbreviation: JbAplctns
Description: Sample job applications for classified and certificated positions
Item Instructions: CRR 01: Applications must include the nondiscrimination notice.
Related Items: CRR 01, CRR 22

Publicized Materials (CRR)

Abbreviation: PblczdMtrlsCRR
Description: Publications and other materials related to the programs and activities offered provided to students, parents/guardians, employees, and unions or professional organizations holding collective bargaining or professional agreements.
Item Instructions: CRR 01: Materials must include the nondiscrimination notice.
Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05

Recruitment Publicized Materials (CRR)

Abbreviation: RcrtmntMtrls
Description: All CTE recruitment materials, including, but not limited to, pictures, PowerPoint presentations, brochures, flyers, and catalogs.
Item Instructions: CRR 01: Materials must include the nondiscrimination notice.
Related Items: CRR 01, CRR 07

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School Newspaper

Abbreviation: SchINwspr
Description: School newspaper(s).
Item Instructions: CRR 01: Newspaper must include the nondiscrimination notice.
Related Items: CRR 01, CRR 02, CRR 03

Student Applications

Abbreviation: StdntAplctns
Description: Sample student applications, if applicable.
Item Instructions: CRR 01: Applications must include the nondiscrimination notice.
Related Items: CRR 01, CRR 09

Student Handbook(s)

Abbreviation: StdntHndbk
Description: Student handbook(s).
Item Instructions: CRR 01: Handbook(s) must include the nondiscrimination notice.
Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05

Webpage (Notice)

Abbreviation: WbPg
Description: Legible screenshot of the district and school web sites which shows the nondiscrimination notice.
Item Instructions:
Related Items: CRR 01

CRR 02: Title IX Coordinator(s) and Notification

2.0 The recipient must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, who must be referred to as the "Title IX Coordinator." (34 *CFR* Section 106.8(a))

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- 2.1 The recipient must notify applicants for admission and employment, students, parents/guardians of elementary and secondary school pupils, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the LEA, of the name or title, office address, email address, and telephone number of the designated Title IX Coordinator(s). (34 *CFR* Section 106.8(a))
- a. The recipient must prominently display the contact information for the Title IX Coordinator and the policy on its website, if any, and in each handbook or catalog that it makes available to persons entitled to notification under EE 4.1. (34 *CFR* Section 106.8(b)(2)(i))
- 2.2 The recipient must notify, and implement specific and continuing steps to notify, applicants for admission and employment, students, parents/guardians of elementary and secondary pupils, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the LEA that the LEA does not discriminate on the basis of sex in the education program or activity it operates, and that it is required by Title IX not to discriminate in such a manner. (34 *CFR* Sections 106.8(b) and 106.9(a))
- (a) Such notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries concerning the application of Title IX may be referred to the LEA's Title IX Coordinator, to the Office for Civil Rights Assistant Secretary, or both. (34 *CFR* Sections 106.8(b) and 106.9(a))
- (b) The recipient shall make the initial notification that it does not discriminate on the basis of sex within 90 days of the effective date (August 14, 2020) in the following publications:
- (i) Local newspapers;
- (ii) Newspapers and magazines operated by the LEA or by student, alumnae or alumni groups for or in connection with the LEA; and
- (iii) Memoranda or other written communications distributed to every student and employee of the LEA. (34 *CFR* Sections 106.9(a)(2))
- 2.3 The recipient must prominently include a statement of the policy that it does not discriminate on the basis of sex, in each announcement, bulletin, catalog, or application form which it makes available to any person of a type described in EE 4.1, or which is otherwise used in connection with the recruitment of students or employees. (34 *CFR* Section 106.9(b)(1))
- 2.4 The recipient shall not use or distribute a publication stating it treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX. (34 *CFR* Sections 106.8(b)(2)(ii) and 106.9(b)(2))

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- 2.5 The recipient must adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by 34 *CFR* 106.8. An LEA must provide to persons entitled to a notification under EE 4.1 notice of the grievance procedures, and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the LEA will respond. (34 *CFR* Section 106.8(c))

Evidence Requests

School Newspaper

- Abbreviation: SchINwspr
- Description: School newspaper(s).
- Item Instructions: CRR 02: Newspaper must include the nondiscrimination notice and contact information for the Title IX Coordinator(s).
- Related Items: CRR 01, CRR 02, CRR 03

Publicized Materials (CRR)

- Abbreviation: PblczdMtrIsCRR
- Description: Publications and other materials related to the programs and activities offered that are provided to students, parents/guardians, and employees.
- Item Instructions: CRR 02: Materials must include the contact information for the Title IX Coordinator(s).
- Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05

Employee Handbook(s)

- Abbreviation: EmplHndbks
- Description: Employee handbook(s).
- Item Instructions:
- Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06, CRR 22

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Job Description(s) (Title IX)

Abbreviation: JobDscrptns
Description: A copy of the job descriptions for the recipient's Title IX Coordinator(s).
Item Instructions:
Related Items: CRR 02

Student Handbook(s)

Abbreviation: StdntHndbk
Description: Student handbook(s).
Item Instructions: CRR 02: Handbook(s) must include contact information for the Title IX Coordinator(s).
Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05

Web Posting (Title IX)

Abbreviation: WbPstngCrdrtr
Description: Legible screenshot(s) of the district and school web sites which contain the name, title, address and phone number of the Title IX Coordinator(s).
Item Instructions:
Related Items: CRR 02

CRR 03: 504 Coordinator(s) and Notification

- 3.0 Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under 504 and Title II. (34 *CFR* Section 104.7(a); 28 *CFR* Section 35.107(a))
- 3.1 The recipient must notify students and employees of the name or title, office address, and phone number of the designated employee(s). (34 *CFR* Section 104.7(a); 28 *CFR* Section 35.107(a))
- 3.2 This (these) person(s) must be aware of their duties and responsibilities and have the necessary training to carry out their responsibilities. (34 *CFR* Section 104.7(a); 28 *CFR* Section 35.107(a))

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Related California Law:

Recipients shall identify a single coordinator for compliance with CCR, Title 5. Announcements shall include the name, office address, and office telephone number of the responsible officer. (5 CCR Section 4961)

Evidence Requests

School Newspaper

Abbreviation: SchINwspr
Description: School newspaper(s).
Item Instructions: CRR 03: Newspaper must include the nondiscrimination notice and contact information for the 504 Coordinator(s).
Related Items: CRR 01, CRR 02, CRR 03

Publicized Materials (CRR)

Abbreviation: PblczdMtrlsCRR
Description: Publications and other materials related to the programs and activities offered that are provided to students, parents/guardians, and employees.
Item Instructions: CRR 03: Materials must include the contact information for the 504 Coordinator(s).
Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05

Employee Handbook(s)

Abbreviation: EmplHndbks
Description: Employee handbook(s).
Item Instructions:
Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06, CRR 22

Job Description(s) (504)

Abbreviation: JobDscrptns
Description: A copy of the job descriptions for the recipient's 504 Coordinator(s).
Item Instructions:
Related Items: CRR 03

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Student Handbook(s)

Abbreviation:	StdntHndbk
Description:	Student handbook(s).
Item Instructions:	CRR 03: Handbook(s) must include contact information for the 504 Coordinator(s).
Related Items:	CRR 01, CRR 02, CRR 03, CRR 04, CRR 05

Web Posting (504)

Abbreviation:	WbPstngTtlIVIX504Crdntrs
Description:	Legible screenshot(s) of the district and school web sites which contain the name, title, address and phone number of the 504 Coordinator(s).
Item Instructions:	
Related Items:	CRR 03

CRR 04: Annual Public Notification

- 4.0 Prior to the beginning of each school year, recipients must advise students, parents, employees, and the general public that all vocational or Career Technical Education (CTE) opportunities will be offered regardless of race, color, national origin, sex, or disability. (34 *CFR* Section 100 Appendix B (IV–O))
- 4.1 If the subrecipient’s service area(s) contains a community of national origin minority people with limited English language skills, public notification materials must be disseminated to that community in its language and must state that the subrecipient will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in CTE programs. (34 *CFR* Section 100 Appendix B (IV–O))
- 4.2 The notice must include a brief summary of program offerings and admission criteria and the name, office address, and phone number of the person(s) designated to coordinate Title IX and Section 504 compliance activity. (34 *CFR* Section 100 Appendix B (IV–O))
- 4.3 Recipient issues an annual public notice of nondiscrimination related to opportunities in its CTE programs. (34 *CFR* Section 100 Appendix B (IV–O))
- 4.4 The notice also is disseminated in the language of any national origin minority community in the service area. (34 *CFR* Section 100 Appendix B (IV–O))
- 4.5 Annual notice lists coordinators of Section 504 and Title IX with their name/title, address, and phone number. (34 *CFR* Section 100 Appendix B (IV–O))

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Related California Law:

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

Evidence Requests

Annual Public Notification

Abbreviation: AnIPblcNtfctn

Description: Annual public notification that includes the nondiscrimination notices for programs/activities and the contact information for the 504, Title II, and Title IX, Coordinator(s).

Item Instructions:

Related Items: CRR 04

Employee Handbook

Abbreviation: EmplHndbks

Description: Employee handbook(s).

Item Instructions:

Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06, CRR 22

Local Newspaper

Abbreviation: LclNspr

Description: Local community newspaper that contains the notice of nondiscrimination in all recipient programs and the contact information of for the 504, Title II, and Title IX, Coordinator(s).

Item Instructions:

Related Items: CRR 04

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Publicized Materials(CRR)

- Abbreviation: PblczdMtrlsCRR
- Description: Publications and other materials related to the programs and activities offered provided to students, parents/guardians, and employees.
- Item Instructions: CRR 04: Materials must include the contact information for the Title IX Coordinator(s).
- Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06

Student Handbook(s)

- Abbreviation: StdntHndbk
- Description: Student handbook(s).
- Item Instructions: CRR 04: Handbook(s) with the grievance procedure; must include the nondiscrimination notice and coordinator contact information.
- Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06

CRR 05: Grievance Procedure (Sex)

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

(a) The grievance process must:

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

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

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

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

- (a) Notice of the LEA's grievance process, including any informal resolution process. (34 *CFR* Section 106.45(b)(2)(i)(A))
- (b) Notice of the allegations allegedly constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. (34 *CFR* Section 106.45(b)(2)(i)(B))
 - i. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will only be made at the conclusion of the grievance process. (34 *CFR* Section 106.45(b)(2)(i)(B))
 - ii. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. (34 *CFR* Section(s) 106.45(b)(2)(i)(B))
 - iii. The written notice must inform the parties of any provision in the LEA's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. (34 *CFR* Section 106.45(b)(2)(i)(B))
- (c) If, in the course of an investigation, the LEA decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the LEA must provide notice of the additional allegations to the parties whose identities are known. (34 *CFR* Section 106.45(b)(2)(ii))

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- 5.2 The LEA must investigate the allegations in a formal complaint.
- (a) If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in 34 *CFR* Section(s) 106.30 even if proved, did not occur in the LEA's education program or activity, or did not occur against a person in the United States, then the LEA must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such dismissal does not preclude action under another provision in the LEA's code of conduct. (34 *CFR* Section 106.45(b)(3)(i))
 - (b) The LEA may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the LEA; or specific circumstances prevent the LEA from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. (34 *CFR* Section 106.45(b)(3)(ii))
 - (b) Upon a dismissal required or permitted, pursuant to EE 2.10(a) or (b), the LEA must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. (34 *CFR* Section 106.45(b)(3)(iii))
- 5.3 A recipient must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment in Section(s)106.30, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A recipient must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in paragraph (b)(6) of this section. A recipient also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in paragraph (b)(5)(vii) of this section. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

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- 5.4 An LEA may consolidate formal complaints as to allegations of sexual harassment against one or more respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. (34 *CFR* Section 106.45(b)(4))
- 5.5 When investigating a formal complaint and throughout the grievance process, an LEA must:
- (a) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the LEA and not on the parties, provided that the LEA cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the LEA obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 *CFR* 99.3, then the LEA must obtain the voluntary, written consent of a "parent," as defined in 34 *CFR* 99.3); (34 *CFR* Section 106.45(b)(5)(i))
 - (b) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
 - (c) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
 - (d) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the LEA may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
 - (e) Provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

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- (f) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the LEA does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the LEA must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The LEA must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
- (g) Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

5.6 The LEA's grievance process may, but need not, provide for a hearing. With or without a hearing, after the LEA has sent the investigative report to the parties pursuant to paragraph EE 2.8(a)(viii) of this section and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

5.7 The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the LEA must apply the standard of evidence described in EE 2.8(a)(viii).

- (a) The written determination must include

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

5.8 Complaint determination appeals:

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

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- (iii) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- (b) An LEA may offer an appeal equally to both parties on additional bases.
- (c) As to all appeals, the LEA must:
 - (i) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
 - (ii) Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
 - (iii) Ensure that the decision-maker(s) for the appeal complies with the standards set forth in paragraph (b)(1)(iii) of this section;
 - (iv) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 - (v) Issue a written decision describing the result of the appeal and the rationale for the result; and
 - (vi) Provide the written decision simultaneously to both parties.

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

- (a) Provides to the parties a written notice disclosing: The allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party

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has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

- (b) Obtains the parties' voluntary, written consent to the informal resolution process; and
- (c) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

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

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

5.11 For each response required under Section 106.44, an LEA must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the LEA must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the LEA's education program or activity. If an LEA does not provide a complainant with supportive measures, then the LEA must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the LEA in the future from providing additional explanations or detailing additional measures taken.

2020-21 CRR Program Instrument (Continued)

Evidence Requests

Sexual Harassment Grievance Policy and Procedure

Abbreviation: SxHrsmntCmplntGrvncPlcyPrcdr
Description: Grievance policy and procedure for complaints of discrimination and/or harassment on the basis of sex.
Item Instructions:
Related Items: CRR 05

Data on Complaints

Abbreviation: DtaCmplnts
Description: Data related to the number of complaints alleging any form of discrimination over the last two (2) years. The data must include: complaint type, dates received/additional time letter (if any)/resolution, and outcome of any complaint investigations.
Item Instructions: Do not upload complaints into CMT.
Related Items: CRR 05, CRR 06

Employee Handbook(s)

Abbreviation: EmplHndbks
Description: Employee handbook(s).
Item Instructions:
Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06, CRR 22

Publicized Materials (CRR)

Abbreviation: PblczdMtrlsCRR
Description: Publications and other materials related to the programs and activities offered provided to students, parents/guardians, and employees.
Item Instructions: CRR 05: Materials must include the grievance procedures.
Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06

2020-21 CRR Program Instrument (Continued)

Written Notices

Abbreviation: WrtnNtcs
Description: Sample written notices provided to complainant(s) and respondent(s).
Item Instructions:
Related Items: CRR 04

Written Determination

Abbreviation: WrtnDtrmntn
Description: Sample written determination issued by decision-maker(s).
Item Instructions:
Related Items: CRR 04

Student Handbook(s)

Abbreviation: StdntHndbk
Description: Student handbook(s).
Item Instructions: CRR 05: Handbook(s) with the grievance procedure; must include the grievance procedures.
Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06

Training

Abbreviation: Trnng
Description: Copy of training provided to or received by the Title IX Coordinator(s), investigator(s), decision-maker(s), and other person(s) who facilitate the informal resolution process.
Item Instructions:
Related Items: CRR 04

2020-21 CRR Program Instrument (Continued)

CRR 06: Grievance Procedure (504)

6.0 A recipient 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. (28 *CFR* Section 35.107(b); 34 *CFR* Section 104.7(b))

Related California Law:

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

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

Evidence Requests

Publicized Materials (CRR)

Abbreviation: PblczdMtrlsCRR
Description: Publications and other materials related to the programs and activities offered provided to students, parents/guardians, and employees.
Item Instructions: CRR 06: Materials must include the grievance procedures.
Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06

Data on Complaints

Abbreviation: DtaCmplnts
Description: Data related to the number of complaints alleging any form of discrimination over the last two (2) years. The data must include: complaint type, dates received/additional time letter (if any)/resolution letter, and outcome of any complaint investigations.
Item Instructions: Do not upload complaints into CMT.
Related Items: CRR 05, CRR 06

2020-21 CRR Program Instrument (Continued)

Employee Handbook(s)

Abbreviation: EmplHndbks

Description: Employee handbook(s).

Item Instructions:

Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06, CRR 22

504 Grievance Procedure

Abbreviation: GrvncPrcdr

Description: The recipient's 504 complaint policy and procedure.

Item Instructions:

Related Items: CRR 06

Student Handbook(s)

Abbreviation: StdntHndbk

Description: Student handbook(s).

Item Instructions: CRR 06: Handbook(s) must include the grievance procedures.

Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06

CRR 07: Recruitment

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

Related California Law:

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

2020-21 CRR Program Instrument (Continued)

Evidence Requests

Recruitment Plans

Abbreviation: RcrtmntPlns
Description: List of recruitment plans for CTE programs.
Item Instructions:
Related Items: CRR 07

Recruitment Plans for Limited English Language Students

Abbreviation: RcrtmntPlnsLmtdEngLngStdnts
Description: List of CTE recruitment plans for Limited English Language student applicants.
Item Instructions:
Related Items: CRR 07, CRR 12

Recruitment Plans for Students with Disabilities

Abbreviation: CTEPrgrmStfDmgrphcsRcrtmntPlnsFrStdntsWthDsbllts
Description: List of CTE recruitment plans for student applicants with disabilities.
Item Instructions:
Related Items: CRR 07, CRR 15

CTE Program Staff Demographics

Abbreviation: CTEPrgrmStfDmgrphcs
Description: Race/ethnicity, disability, national origin, and sex demographics of recipient's CTE program staff separated by programs. Do not include any personally identifiable information in upload(s).
Item Instructions: Demographics must be provided on recipient letterhead and signed by the recipient's Principal.
Related Items: CRR 07

Description of Recruitment Activities

Abbreviation: DscrptnsRcrtmntActvts
Description: Descriptions of all CTE recruitment activities conducted by the recipient. Descriptions must also include the site of each activity.

2020-21 CRR Program Instrument (Continued)

Item Instructions: Descriptions must be provided on recipient letterhead and signed by the recipient's Principal.

Related Items: CRR 07

Recruitment Materials

Abbreviation: RcrtmntMtrls

Description: All CTE recruitment materials: pictures, PowerPoint, brochures, flyers, and/or catalogs.

Item Instructions:

Related Items: CRR 01, CRR 07

Recruitment Team Demographics

Abbreviation: RcrtmntTmDmgrpchs

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

Item Instructions: Demographics must be provided on recipient letterhead and signed by the recipient's Principal.

Related Items: CRR 07

CRR 08: Promotional Activities

- 8.0 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. (34 *CFR* Section 100 Appendix B V–E)
- 8.1 If a recipient's service area(s) contains a community of national origin minority persons of limited English language skills, promotional literature must be distributed to that community in its language. (34 *CFR* Section 100 Appendix B V–E)

2020-21 CRR Program Instrument (Continued)

Related California Law:

If 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 to 12, inclusive, speak a single primary language other than English, as determined from the census data submitted in the preceding year, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the public school or school district shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (EC Section 48985)

Evidence Requests

CTE Promotional Materials

Abbreviation: CTEPrmtnlMtrls

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

Item Instructions:

Related Items: CRR 08

CTE Promotional Materials in Other Languages

Abbreviation: CTEPrmtnlMtrlsOthrLngs

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

Item Instructions:

Related Items: CRR 08, CRR 12, CRR 13

Verification of Limited English Proficient Community

Abbreviation: VrfctnLmtdEngPrfCmnty

Description: Recipient's process to identify and communicate with language minority communities.

Item Instructions:

Related Items: CRR 08, CRR 12

CRR 09: Admissions

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

Related California Law:

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

Evidence Requests

CTE Admissions Policy

Abbreviation: CTEAdmsnsPlcy

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

Item Instructions:

Related Items: CRR 09

2020-21 CRR Program Instrument (Continued)

Demographics of Limited English Language Students

Abbreviation: DmgphcsLmtdEngLngStdnts
Description: Enrollment and placement data identifying the number of English Learner students in the recipient's CTE program(s). The data must be categorized by program.
Item Instructions:
Related Items: CRR 08, CRR 12

Student Applications

Abbreviation: StdntAplctns
Description: Sample student applications, if applicable.
Item Instructions:
Related Items: CRR 01, CRR 09

Demographics of CTE Applicants

Abbreviation: DmgrphcsCTEApplcnts
Description: CTE admissions data showing all accepted/selected and rejected student applicants. Data must include explanation for each rejected admission.
Item Instructions:
Related Items: CRR 09

Demographics of Limited English Language Students

Abbreviation: DmgphcsLmtdEngLngStdnts
Description: Enrollment and placement data identifying the number of English Learner students in the recipient's CTE program(s). The data must be categorized by program.
Item Instructions:
Related Items: CRR 09, CRR 12

2020-21 CRR Program Instrument (Continued)

Demographics of Students with Disabilities

Abbreviation: DmgphcsStdntsWthDsblts

Description: Enrollment and placement data identifying the number of students with disabilities in the recipient's CTE program(s). The data must be categorized by program.

Item Instructions:

Related Items: CRR 09, CRR 15, CRR 17

CRR 10: Student Eligibility

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

Related California Law:

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

Evidence Requests

CTE Eligibility Criteria

Abbreviation: CTEElgbltyCrtr

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

Item Instructions:

Related Items: CRR 10

CRR 11: Residency

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

2020-21 CRR Program Instrument (Continued)

Related California Law:

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

Evidence Requests

Demographics of Adjoining Service Area(s) of Facility

Abbreviation: DmgphcsAdjngSrvcFclty

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

Item Instructions:

Related Items: CRR 11

Maps of Attendance Zones

Abbreviation: MpsAttndcZns

Description: Maps of attendance zones.

Item Instructions:

Related Items: CRR 11

CRR 12: Limited English Learner Admissions

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

2020-21 CRR Program Instrument (Continued)

Evidence Requests

Demographics of Limited English Language Students

Abbreviation: DmgphcsLmtdEngLngStdnts
Description: Enrollment and placement data identifying the number of English Learner students in the recipient's CTE program(s). The data must be categorized by program.
Item Instructions:
Related Items: CRR 08, CRR 12

Demographics of Limited English Language Applicants

Abbreviation: DmgrphcsLmtdEngLngAplcnts
Description: CTE admissions data identifying accepted/selected and rejected students with limited English language skills. Data must include explanation for each rejected applicant.
Item Instructions:
Related Items: CRR 09, CRR 12

CTE Promotional Materials in Other Languages

Abbreviation: CTEPrmtnlMtrlsOthrLngs
Description: Recipient's translated CTE promotional materials distributed in the language minority communities.
Item Instructions:
Related Items: CRR 08, CRR 12, CRR 13

Counseling Materials in Other Languages

Abbreviation: CnsIngMtrlsOthrLngs
Description: Samples of all pre- and post-enrollment counseling plans and materials distributed in primary language of the language minority communities.
Item Instructions:
Related Items: CRR 12, CRR 13

2020-21 CRR Program Instrument (Continued)

Recruitment Plans for Limited English Language Students

Abbreviation: RcrtmntPlnsLmtdEngLngStdnts
Description: List of CTE recruitment plans for Limited English Language student applicants.
Item Instructions:
Related Items: CRR 07, CRR 12

Verification of Limited English Proficient Community

Abbreviation: VrfctnLmtdEngPrfCmnty
Description: Recipient's process to identify and communicate with language minority communities.
Item Instructions:
Related Items: CRR 08, CRR 12

CRR 13: Counseling

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

2020-21 CRR Program Instrument (Continued)

Related California Law:

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

Evidence Requests

Assessment Plan

Abbreviation: AsmntPln
Description: Assessment plan(s) with a list of tests administered.
Item Instructions:
Related Items: CRR 13

CTE Promotional Materials in Other Languages

Abbreviation: CTEPrmtnlMtrlsOthrLngs
Description: Recipient's translated CTE promotional materials distributed in the language minority communities.
Item Instructions:
Related Items: CRR 08, CRR 12, CRR 13

Calendar of Counseling and Pre-CTE Activities

Abbreviation: ClnDrCnslngPrCTEActvts
Description: Calendar(s) outlining all CTE-related counseling activities and any pre-CTE activities.
Item Instructions:
Related Items: CRR 13

Counseling Materials

Abbreviation: CnslngMtrls
Description: Samples of all pre- and post-enrollment counseling plans and materials.
Item Instructions:
Related Items: CRR 13

2020-21 CRR Program Instrument (Continued)

Counseling Materials in Other Languages

Abbreviation: CnsIngMtrlsOthrLngs
Description: Samples of all pre- and post-enrollment counseling plans and materials distributed in primary language of the language minority communities.
Item Instructions:
Related Items: CRR 12, CRR 13

Counseling Plan, Policy, and Procedure

Abbreviation: CnsIngPlnPlcyPrcdr
Description: Guidance plan, policy, and procedure related to the recipient's CTE program(s).
Item Instructions:
Related Items: CRR 13

Revised Counseling Materials

Abbreviation: RvsdCnsIngMtrls
Description: Counseling materials or activities that have been revised in response to disproportional CTE enrollments.
Item Instructions:
Related Items: CRR 13

CRR 14: Student Financial Assistance

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

2020-21 CRR Program Instrument (Continued)

Evidence Requests

Awards, Scholarships, and Other Financial Assistance

Abbreviation: AwrdsSchlrshpsFnclAstnce

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

Item Instructions:

Related Items: CRR 14

Financial Assistance

Abbreviation: FnclAstnce

Description: Data which indicates how financial assistance is made available to students.

Item Instructions:

Related Items: CRR 14

CRR 15: Services for Students with Disabilities

- 15.0 Recipients may not deny students with disabilities access to vocational education programs or courses because of architectural or equipment barriers, or because of the need for related aids and services or auxiliary aids. (34 *CFR* Section 100 Appendix B (IV); 34 *CFR* Section 104.4(a); 28 *CFR* Section 35.130(a))
- 15.1 No qualified person with a disability is excluded from, denied benefits of, or subjected to discrimination in any course, program, service, or activity solely on the basis of disability. (34 *CFR* Section 100 Appendix B (IV); 34 *CFR* Section 104.4(a); 28 *CFR* Section 35.130(a))
- 15.2 A recipient that operates an elementary or secondary education program or activity must provide a free, appropriate public education (FAPE) to each qualified disabled person in its jurisdiction, regardless of the nature or severity of the person's disability. (34 *CFR* Section 104.33(a))
- 15.3 The recipient must have a system in place for the identification, evaluation, and educational placement of persons who, because of a disability, need or are believed to need special education or related services. Placement decisions must be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation, data, and the placement options. (34 *CFR* Sections 104.33(b), 104.35(c), and 104.36)

2020-21 CRR Program Instrument (Continued)

- 15.4 A recipient that operates a public elementary or secondary education program or activity shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of a disability, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with the opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. (34 *CFR* Section 104.36)
- 15.5 Disabled secondary students must be placed in the regular educational environment of any CTE, academic, physical education, athletic, or other school program or activity to the maximum extent appropriate to their needs with the use of supplementary aids and services unless it can be demonstrated that such cannot be achieved satisfactorily. (34 *CFR* Section 100 Appendix B (VI-A); 34 *CFR* Sections 104.34(a) and (b); 38 *CFR* Section 35.130(d))
- 15.6 Secondary students with disabilities are placed in a CTE program only when the 504 FAPE requirements for evaluation, placement, and procedural safeguards have been satisfied. (34 *CFR* Section 104.35(a); 34 *CFR* Section 100 Appendix B (VI-A))

Evidence Requests

Aids Available for Students with Disabilities

- Abbreviation: AdsAvlBlFrStdntsWthDsblts
- Description: A list of aids available for students with disabilities and examples of adapted equipment.
- Item Instructions:
- Related Items: CRR 15

Demographics of Students with Disabilities

- Abbreviation: DmgphcsStdntsWthDsblts
- Description: Enrollment and placement data identifying the number of students with disabilities in the recipient's CTE program(s). The data must be categorized by program.
- Item Instructions:
- Related Items: CRR 09, CRR 15, CRR 17

2020-21 CRR Program Instrument (Continued)

Policy related to Students with Disabilities

Abbreviation: PlcyRltdStdntsWthDsblts
Description: Recipient's policy and procedure related to students with disabilities.
Item Instructions:
Related Items: CRR 15

Recruitment Plans for Students with Disabilities

Abbreviation: RcrtmntPlnsFrStdntsWthDsblts
Description: List of CTE recruitment plans for student applicants with disabilities.
Item Instructions:
Related Items: CRR 06, CRR 15

CRR 16: Accessible Facilities

16.0 Program Access/Readily Accessible – Existing Facility under 504 (34 *CFR* Section 104.22(a))

- (a) For existing recipient facilities under 504 that were built or altered beginning June 3, 1977, or earlier, a recipient shall operate its program or activity so that when each part is viewed in its entirety, it is “readily accessible” to disabled persons. A recipient is not required to make each of its existing facilities or every part of a facility accessible to and usable by persons with disabilities.

16.1 American National Standards Institute (ANSI) – New Construction under 504 (34 *CFR* Section 104.23(a))

- (a) Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient under 504 that were built or altered between June 4, 1977, and January 17, 1991, inclusive, shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities.

- (b) 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.

16.2 Uniform Federal Accessibility Standards (UFAS) – New Construction under 504 (28 *CFR* Section 35.151.; 34 *CFR* Section 104.23(c))

2020-21 CRR Program Instrument (Continued)

- (a) Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity under 504 that were built or altered between January 18, 1991, and January 26, 1992, inclusive, shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities.
- (b) Conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 *CFR* Section 101.19.6). Departures from particular technical and scoping requirements permitted where substantially equivalent or greater access to and usability of the building is provided.

16.3 1991 Americans with Disabilities Act (ADA) – New Construction under 504 (28 *CFR* Section 36, Appendix D; 34 *CFR* Section 104.23)

- (a) Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities.
- (b) UFAS or the 1991 Americans with Disabilities Act (ADA) Standard apply to facilities constructed or altered on or after January 27, 1992 and before September 15, 2010. Departures from particular requirements permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

16.4 2010 Americans with Disabilities Act (ADA) – New Construction under 504 (28 *CFR* Section 35; 34 *CFR* Section 104.23)

- (a) Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity is designed and constructed in such a manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities.
- (b) Between September 15, 2010 and March 14, 2012, a subrecipient may utilize UFAS, the 1991 ADA Standards or the 2010 ADA Standards. The 2010 ADA Standards apply to facilities constructed on or after March 15, 2012.

2020-21 CRR Program Instrument (Continued)

Evidence Requests

Site and Floor Plans

Abbreviation: StFlrPlns
Description: Site plan of school which identifies CTE classes, paths of travel, number of general and disabled parking, floor plans of showers, restrooms, lockers rooms.
Item Instructions:
Related Items: CRR 16

Maintenance Records

Abbreviation: MntncRcrds
Description: Maintenance records for all buildings/facilities/areas used for the recipient's CTE program(s).
Item Instructions:
Related Items: CRR 16

Alteration Records

Abbreviation: AltrtnRcrds
Description: Alteration records for all buildings/facilities/areas used for the recipient's CTE program(s).
Item Instructions:
Related Items: CRR 16

Renovation Schedules

Abbreviation: RnvtnSchdls
Description: Renovation schedules for all buildings/facilities/areas used for the recipient's CTE program(s)
Item Instructions:
Related Items: CRR 16

2020-21 CRR Program Instrument (Continued)

Work Orders or Contracts Indicating Construction Start Dates

Abbreviation: WrkOrdrsCntrctsIndctngCnstrctnSrtDts
Description: Work orders/contracts, with the construction start date, for all buildings/facilities/areas used for the recipient's CTE program(s).
Item Instructions:
Related Items: CRR 16

CRR 17: Comparable Facilities

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

Evidence Requests

Demographics of Students by Sex

Abbreviation: DmgrpchsStdntsBySx
Description: Data indicating the number of male, female, and gender nonconforming students enrolled in the recipient's CTE program(s). The data must be categorized by program.
Item Instructions:
Related Items: CRR 17

Demographics of Students with Disabilities

Abbreviation: DmgphcsStdntsWthDsblts
Description: Enrollment and placement data identifying the number of students with disabilities in the recipient's CTE program(s). The data must be categorized by program.
Item Instructions:
Related Items: CRR 09, CRR 15, CRR 17

2020-21 CRR Program Instrument (Continued)

Review of Facilities

Abbreviation:	RvwFclts
Description:	Floor plans of showers, changing rooms, and other gender-specific facilities near or in the CTE areas.
Item Instructions:	
Related Items:	CRR 17

CRR 18: Site Selection

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

Related California Law:

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

Evidence Requests

Demographics of Surrounding Communities

Abbreviation:	DmgrphcsSrndngCmnts
Description:	Demographics of the surrounding communities within the CTE program(s) boundaries.
Item Instructions:	
Related Items:	CRR 18

Maps Showing Location of CTE Facilities

Abbreviation:	MpsShwngLctnsCTEFclts
Description:	Map of all CTE facilities on and off campus.
Item Instructions:	
Related Items:	CRR 18

2020-21 CRR Program Instrument (Continued)

CRR 19: Modifications/Alterations

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

Related California Law:

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

Evidence Requests

Maps Showing Location of Modified CTE Facilities

Abbreviation: MpsShwngLctnsMdfdFclts

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

Item Instructions:

Related Items: CRR 19

Student Demographics Before and After CTE Facility Modifications

Abbreviation: StndtDmgrpchsBfrAfrFcltyMdfctns

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

Item Instructions:

Related Items: CRR 19

CRR 20: Work-Study, Cooperative Education, and Job Placement

20.0 Opportunities in work-study, cooperative education, and job placement programs are available to all students regardless of race, color, national origin, sex, or disability. (34 *CFR* Section 100.3(b); 34 *CFR* Section 106.31(d); 34 *CFR* Section 104.4(b); 34 *CFR* Section 100 Appendix B (VII–A))

2020-21 CRR Program Instrument (Continued)

- 20.1 A recipient that assists employers and prospective employers in making employment opportunities available to any of its students must ensure that the employer and prospective employers do not discriminate on the basis of race, color, national origin, sex, or disability in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility, and pay. (34 *CFR* Section 100.3(b); 34 *CFR* Section 106.38; 34 *CFR* Section 104.46(b); 34 *CFR* Section 100 Appendix B (VII–A))

Evidence Requests

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

- Abbreviation: EnrlmntDtaWrkStdyJbPcmntAprntc
- Description: Enrollment data for all work-study, job placement, and apprentice training programs.
- Item Instructions:
- Related Items: CRR 20, CRR 21

Workplace Agreements

- Abbreviation: WrkplcAgrmnts
- Description: Workplace agreements, hours of work, and student job assignments. Workplace agreements must contain assurance of nondiscrimination and be signed by both the recipient and the employer.
- Item Instructions:
- Related Items: CRR 20, CRR 21

CRR 21: Apprenticeship Training Program

- 21.0 A recipient may not enter into an agreement for the provision or support of apprentice training for students or union members with any labor union or other sponsor that discriminates against its members or applicants on the basis of race, color, national origin, sex, or disability. If a recipient enters into a written agreement with a labor union or other sponsor providing for apprentice training, the agreement must contain an assurance from the union or other sponsor: (1) That it does not engage in such discrimination against its membership or applicants for membership; and (2) that apprentice training will be offered and conducted for its membership free of such discrimination. (34 *CFR* Section 100.3(c); 34 *CFR* Section 106.31(d); 34 *CFR* Section 104.11(a)(4); 34 *CFR* Section 100 Appendix B (VII–B))

2020-21 CRR Program Instrument (Continued)

Evidence Requests

Apprenticeship Program Policy/Procedure

Abbreviation: AprntcshpPrgrmPlcyPrcdr
Description: Recipient's policy or procedure related to CTE apprenticeship programs.
Item Instructions:
Related Items: CRR 21

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

Abbreviation: EnrlmntDtaWrkStdyJbPcmntAprntc
Description: Enrollment data for all work-study, job placement, and apprentice training programs.
Item Instructions:
Related Items: CRR 20, CRR 21

Workplace Agreements

Abbreviation: WrkplcAgrmnts
Description: Workplace agreements, hours of work, and student job assignments. Workplace agreements must contain assurance of nondiscrimination and be signed by both the recipient and the employer.
Item Instructions:
Related Items: CRR 20, CRR 21

CRR 22: Employment Practices

22.0 Recipients may not engage in any employment practice that discriminates against any employee or applicant for employment on the basis of sex or disability. Recipients may not engage in any employment practice that discriminates on the basis of race, color, or national origin if such discrimination tends to result in segregation, exclusion, or other discrimination against students. Recipients may not make any pre-employment inquiries concerning disability, marital, or parental status. (34 *CFR* Section 100.3(c); 34 *CFR* Sections 106.51, 106.57, and 106.60; 34 *CFR* Sections 104.13 and 104.14; 34 *CFR* Section 100 Appendix B (VIII–A))

2020-21 CRR Program Instrument (Continued)

- 22.1 A recipient must notify every source of faculty that it does not discriminate on the basis of race, color, national origin, sex, or disability. (34 *CFR* Section 100 Appendix B (VIII–B))
- 22.2 A recipient should establish and maintain faculty salary scales based upon the conditions and responsibilities of employment without regard to race, color, national origin, sex, or disability. (34 *CFR* Section 106.54; 34 *CFR* Sections 104.11 and 12; 34 *CFR* Section 100 Appendix B (VIII–D))
- 22.3 A recipient must provide equal employment opportunities for teaching and administrative positions to applicants with disabilities who can perform the essential functions of the position. Recipients must make reasonable accommodation for the physical or mental limitations of applicants with disabilities who are otherwise qualified unless recipients can demonstrate that the accommodation would impose an undue hardship. (34 *CFR* Section 104.12; 34 *CFR* Section 100 Appendix B (VIII–E))

Related California Law:

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

Evidence Requests

Employee Handbook(s)

Abbreviation: EmplHndbks

Description: Employee handbook(s).

Item Instructions:

Related Items: CRR 01, CRR 02, CRR 03, CRR 04, CRR 05, CRR 06, CRR 22

Hiring Policies and Procedures

Abbreviation: HrngPlcsPrcdrs

Description: Recipient's screening committee procedure(s), hiring policy and procedure(s), interview rating system, and sample hiring/interview questions.

Item Instructions: Samples must be provided for classified and certificated positions.

Related Items: CRR 22

2020-21 CRR Program Instrument (Continued)

Job Announcements

Abbreviation: JbAncmnts
Description: Sample job announcements for classified and certificated positions.
Item Instructions:
Related Items: CRR 01, CRR 22

Job Applications

Abbreviation: JbAplctns
Description: Sample job applications for classified and certificated positions.
Item Instructions:
Related Items: CRR 01, CRR 22

Employment Recruitment Policies and Procedures

Abbreviation: EmplymntRcrtmntPlcsPrcdrs
Description: Recipient's employment recruitment policies and procedures.
Item Instructions:
Related Items: CRR 22

Employment Recruitment Materials

Abbreviation: EmplymntRcrtmntMtrls
Description: Recipient's employment recruitment contact letters and other materials.
Item Instructions:
Related Items: CRR 22

Salary Scales and Related Policy

Abbreviation: SlryScsRltdPlcy
Description: Recipient's faculty and non-faculty salary scales and related policy.
Item Instructions:
Related Items: CRR 22

2020-21 CRR Program Instrument (Continued)

Employee Demographics

Abbreviation:	EmplyDmgrpchs
Description:	Employee data identifying all staff's race/ethnicity, sex, and disability. The data must be categorized by program.
Item Instructions:	Do not include names, ID numbers, or other personally identifiable information.
Related Items:	CRR 22

Policies and Procedures related to Employees with Disabilities

Abbreviation:	PlcsPrcdrsRltdEmplysWthDsbllts
Description:	Recipient's policies and procedures related to the hiring, promotion, and retention for employees with disabilities.
Item Instructions:	Do not include names, ID numbers, or other personally identifiable information.
Related Items:	CRR 22