



# Civil Rights Review 2021–22 Program Instrument

California Department of Education  
May 2021

## 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, CRR 06

### 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), if applicable.  
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, CRR 06

### 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))
- 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

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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))

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

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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), if applicable.  
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: 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 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, 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

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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, CRR 06

### Web Posting (Title IX)

Abbreviation: WbPstngCrdntr  
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), if applicable.  
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 provided to students, parents/guardians, 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, 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

### 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, CRR 06                                   |

### Web Posting (504)

|                    |   |
|--------------------|---|
| Abbreviation:      | WbPstngTtlIIVIX504Crdntrs   |
| 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))



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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))

### *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))
- 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

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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))
- 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

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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))
- (c) 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.

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,













































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

### Counseling Materials

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

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### 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 discriminate 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*)

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Section 100 Appendix B (VI–B); 34 *CFR* Section 104.46(a); 34 *CFR* Section 106.37(a–b))

### 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

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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)

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

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### 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

### 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: CTEPrgrmStfDmgrphcsRcrtmntPlnsFrStdntsWthDsblts  
Description: List of CTE recruitment plans for student applicants with disabilities.  
Item Instructions:  
Related Items: CRR 07, 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))

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- (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))

- (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

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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.

### 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

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### 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

### 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: DmgrphcsStdntsBySx  
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



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### 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   |

### 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

## 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/alterd 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))

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 Apprenticeship Training Programs

Abbreviation: EnrlmntDtaWrkStdyJbPcmntAprntc  
Description: Enrollment data for all work-study, job placement, and apprenticeship 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 apprenticeship 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 apprenticeship 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 apprenticeship 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))

## 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

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*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))

- 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

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### 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

### 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

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### Salary Scales and Related Policy

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

### Employee Demographics

Abbreviation: EmplDmgrpchs  
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: PlcsPrcdrsRltdEmplysWthDsblts  
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