

# Education Equity 2020–2021 Program Instrument

**California Department of Education**

**August 2020**

## I. Involvement

### EE 01: Prohibition of Discrimination, Harassment, Intimidation, and Bullying

1.0 The local educational agency (LEA) shall have a policy that prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. The policy shall include a statement that it applies to all acts related to school activity or school attendance within a school under the jurisdiction of the superintendent of the school district.  
(California *Education Code* [*EC*] sections 220, 234.1(a), and 260; California Penal Code (*PC*) Section 422.55; *California Code of Regulations*, Title 5 [5 *CCR*] sections 4900, 4902, and 4960; *Code of Federal Regulations,* Title 34 (34 *CFR*) Section 106.9(a))

1.1 The LEA’s nondiscrimination, harassment, intimidation, and bullying policies shall be readily accessible in a prominent location on the LEA’s existing internet website in a manner that is easily accessible to parents/guardians and pupils. (EC Section 234.6(b)(8))

1.2 The LEAs shall post a link to statewide resources, including community-based organizations, which shall be readily accessible in a prominent location on the LEA’s existing internet website in a manner that is easily accessible to parents/guardians and pupils. The LEA shall also include any additional information deemed important for preventing bullying and harassment.   
(EC Section 234.6(b)(11-12))

1.3 The LEA shall adopt procedures for preventing acts of bullying, including cyberbullying. (EC Section 234.4(a))

* + 1. The LEA’s anti-cyberbullying procedures shall be readily accessible in a prominent location on the LEA’s existing internet website in a manner that is easily accessible to parents/guardians and pupils. (*EC* sections 234.4 and 234.6(a)(1))
    2. The website shall also include a section on social media bullying that includes all of the following references to possible forums for social media bullying:
       1. Internet websites with free registration and ease of registration.
       2. Internet websites offering peer-to-peer instant messaging.
       3. Internet websites offering comment forums or sections.
       4. Internet websites offering image or video posting platforms.  
          (*EC* Section 234.6(9) and (10)(A-D)

1.4 The LEA must have an implemented complaint process to receive and investigate complaints of discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics, and shall include, but not be limited to, all of the following:

* + 1. A requirement that if school personnel witnesses an act of discrimination, harassment, intimidation, or bullying they shall take immediate steps to intervene when safe to do so.
    2. A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the district.
    3. An appeal process afforded to the complainant in the case of a disagreement with the resolution of a complaint filed.
    4. All forms created relative to this process shall be translated pursuant to *EC* Section 48985.  
         
       (*EC* Section 234.1(b); 5 *CCR* Section 4960(a); 34 *CFR* Section 106.8(b))

1.5 The LEA must publicize adopted policies that prohibit discrimination, harassment, intimidation, and bullying, including information about the manner in which to file a complaint, to pupils, parents/guardians, employees, the governing board, and the general public. The information shall be translated pursuant to EC Section 48985. LEAs shall also include a notice of nondiscrimination policies in any publications used in connection with the recruitment of pupils or employees. The LEA must identify the officer responsible for nondiscrimination and education equity compliance in such publicity. (EC Section 234.1(c); 5 CCR sections 4960(b) and 4961; 34 CFR Section and 106.9)

* + 1. 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, all notices, reports, statements, and records sent to the parent/guardian of any such pupil by the LEA shall, in addition to being written in English, be written in the primary language, and may be responded to in either English or primary language. (*EC* Section 48985(a))

1.6 The LEA must post the established policies prohibiting discrimination, harassment, intimidation, and bullying in all schools and offices, which include staff lounges and pupil government meeting rooms. (*EC* Section 234.1(e); 5 *CCR* Section 4960(b))

1.7 The LEA shall maintain documentation of complaints and their resolution must be maintained for a minimum of one review cycle. (EC Section 234.1(f))

1.8 The LEA shall ensure that all complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, or bullying remains confidential, as appropriate. (EC Section 234.1(g))

1.9 The LEA shall identify a responsible LEA officer for ensuring compliance with nondiscrimination in educational equity. (EC Section 234.1(h); 5 CCR Section 4961).

1.10 The LEA has provided, incident to the publicizing of policies against discrimination, harassment, intimidation and bullying described in  
EC Section 234.1(c), to certificated school site employees who serve pupils in any of grades 7 to 12, inclusive, who are employed by the LEA, information on existing school site and community resources related to the support of LGBTQ pupils, or related to the support of pupils who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation.

* + 1. School site resources may include, but are not limited to, peer support or affinity clubs and organizations, safe spaces for LGBTQ, or other at-promise pupils, counseling services, staff who have received anti-bias or other training aimed at supporting these pupils or who serve as designated support to these pupils, health and other curriculum materials that are inclusive of, and relevant to, these pupils, online training developed pursuant to EC Section 32283.5, and other policies adopted pursuant to this article, including related complaint procedures.
    2. Community resources may include, but are not limited to, community-based organizations that provide support to LGBTQ, or other at-promise pupils and their families, and physical and mental health providers with experience or training in treating or supporting these pupils. (*EC* sections 234.1(d)(1), 2(a–b))

#### Evidence Requests

##### Confirmation of Nondiscrimination Policy Postings

Abbreviation: CnfrmtnNdscrmnPlcyPst

Description: Statement certifying all schools and district office have posted the LEA’s nondiscrimination policies in including staff lounges and pupil government meeting rooms.

Item Instructions: EE 01: Statement must be on LEA letterhead and signed by the LEA’s superintendent.

Related Items: EE 01

##### Publicized Materials

Abbreviation: PblcxdMtrls

Description: Publications and other materials provided to pupils, parents/guardians, and employees that contain the LEA’s nondiscrimination policies. Materials must include a complete nondiscrimination statement and the Coordinator(s) contact information.

Item Instructions:

Related Items: EE 01

##### Pupil Complaints Policy and Procedures

Abbreviation: PplCmplntsPlcyPrcdr

Description: Current Board policy, with approval/adoption date(s), and outline of corresponding procedure/process. Policy and process/procedure must include information related to the process for formal and informal complaints. Must include all protected group statuses and the Coordinator(s) contact info.

Item Instructions:

Related Items: EE 01

##### Translation of Pupil Complaints Policy and Procedures

Abbreviation: TrnsltnPplCmplntsPlcyPrcdr

Description: Current Board policy, with approval/adoption date(s), and outline of corresponding procedure/process that have been translated pursuant to EE 1.4 and 1.5.

Item Instructions: EE 01: Related to discrimination, harassment, intimidation, and bullying.

Related Items: EE 01

##### Pupil Nondiscrimination, Harassment, and Intimidation Policy

Abbreviation: PplNdscrmnHrsmntIntmdtnBlyngPlcy

Description: Current Board policy, with approval/adoption date(s), prohibiting discrimination, harassment, intimidation, and bullying. Policy must include all protected characteristics and the Coordinator(s) contact information

Item Instructions:

Related Items: EE 01

##### Nondiscrimination, Harassment, and Intimidation Policy Website Postings

Abbreviation: NdscrmnHrsmntIntmdtnPlcyWbstPstngs

Description: Legible screenshot(s) of the LEA’s website which contains the nondiscrimination, harassment, and intimidation policies.

Item Instructions: EE 01: Weblinks will not be accepted as evidence.

Related Items: EE 01

##### Pupil Cyberbullying Procedure

Abbreviation: PplCbrbllngPrcdr

Description: Current procedure, with approval/adoption date(s), which outlines the steps for addressing and resolving bullying and cyberbullying.

Item Instructions:

Related Items: EE 01

##### Pupil Bullying and Cyberbullying Website Postings

Abbreviation: BllngndCbrbllngWbstPstngs

Description: Legible screenshot(s) of the LEA’s website which contains the bullying and cyberbullying procedure.

Item Instructions: EE 01: Weblinks will not be accepted as evidence.

Related Items: EE 01

##### Statewide Resources Website Postings

Abbreviation: SttwdRsrcsWbstPstngs

Description: Legible screenshot(s) of the LEA’s website which contains links to statewide resources for pupils.

Item Instructions: EE 01: Weblinks will not be accepted as evidence.

Related Items: EE 01

##### Schoolsite Resources for LGBTQ or Other At-Promise Pupils

Abbreviation: SchlRsrcLGBTQOthrAtRskStdnts

Description: Existing school site resources provided to certificated staff related to the support of LGBTQ or other at-promise pupils.

Item Instructions:

Related Items: EE 01

##### Community Resources for LGBTQ or Other At-Promise Pupils

Abbreviation: CmntyRsrcsLGBTQOthrAtPrmsPpls

Description: Existing community resources provided to certificated staff related to the support of LGBTQ or other at-promise pupils.

Item Instructions:

Related Items: EE 01

## II. Governance and Administration

### EE 02: Prohibition of Sexual Harassment

2.0 The LEA shall have a written policy on sexual harassment, which shall include information on where to obtain the specific rules and procedures for reporting charges of sexual harassment and for pursuing available remedies. An LEA may include its sexual harassment policy as part of its general nondiscrimination policies, rather than distributing it as a separate written document. (*EC* Section 231.5 (b) and (c))

2.1 A copy of the written policy on sexual harassment shall be displayed in a prominent location in the main administrative building or other area of the campus or school site. “Prominent location” means that location, or those locations, in the main administrative building or other area where notices regarding the LEA’s rules, regulations, procedures, and standards of conduct are posted. (*EC* Section 231.5 (d))

2.2 The LEA shall provide a copy of the written policy to all pupils as part of any orientation program conducted for new and continuing pupils at the beginning of each quarter, semester, or summer session, as applicable. (*EC* Section 231.5(e))

2.3 A copy of the LEA’s written policy on sexual harassment shall be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired. (*EC* Section 231.5(f))

2.4 A copy of the LEA’s policy shall appear in any publication that sets forth the comprehensive rules, regulations, procedures, and standards for conduct for the LEA. (*EC* Section 231.5(g))

2.5 The LEA’s written policy on sexual harassment, as it pertains to pupils, shall be readily accessible in a prominent location on the LEA’s existing internet website in a manner that is easily accessible to parents/guardians and pupils.   
(*EC* Section 234.6(b)(6))

2.6 The LEA shall maintain records of all complaints of sexual harassment brought by pupil and employees of the school district for a minimum of at least one review cycle. (*EC* Section253(a))

2.7 The LEA, serving pupils in any grades 9 through 12, inclusive, shall create a poster that notifies pupils of the applicable written policy on sexual harassment. (EC Section 231.6(a))

* + 1. The language in the poster shall be age appropriate and culturally relevant, and the LEA may partner with local, state, or federal agencies, or nonprofit organizations, for these purposes. (*EC* Section 231.6(b))
    2. The poster shall be displayed in English and any primary language spoken by 15 percent or more of the pupils enrolled at the schoolsite as determined pursuant to Section 48985. (*EC* Section 231.6(c))
    3. The poster shall be no smaller than 8.5 by 11 inches and use at least 12-point font. (*EC* Section 231.6(c))
    4. The poster shall display, at a minimum, the following:
       1. The rules and procedures for reporting a charge of sexual harassment;
       2. The name, phone number, and email address of an appropriate schoolsite official to contact to report a charge of sexual harassment;
       3. The rights of the reporting pupil, the complainant, and the respondent, and the responsibilities of the schoolsite in accordance with the applicable written policy on sexual harassment. (*EC* Section 231.6(f)(1-3))
    5. The poster shall be prominently and conspicuously displayed in each bathroom and locker room at the schoolsite. (*EC* Section 231.6(g)(1))
       1. The poster may be prominently and conspicuously displayed in public areas at the schoolsite that are accessible to, and commonly frequented by, pupils, including but not limited to, classrooms, classroom hallways, gymnasiums, auditoriums, and cafeterias.  
          (*EC* Section 231.6(g)(2)(A))

#### Evidence Requests

##### Confirmation of Sexual Harassment Policy Postings

Abbreviation: CnfrmtnSxlHrsmntPlcyPstng

Description: Statement certifying all schools and district office have posted the LEA’s sexual harassment policy in prominent locations in the main administrative buildings and other areas where LEA notices are posted.

Item Instructions: EE 02: Statement must be on LEA letterhead and signed by the LEA’s superintendent.

Related Items: EE 02

##### Notification of Pupil Sexual Harassment Policy

Abbreviation: NtfctnPplSxlHrsmntPlcy

Description: Materials and publications provided to pupils and employees which contain the complete sexual harassment policy for pupils.

Item Instructions:

Related Items: EE 02

##### Distribution of Pupil Sexual Harassment Policy

Abbreviation: DstrbtnPplSxlHrsmntPlcy

Description: Materials provided to pupils and employees at the beginning of each quarter/semester or summer session and all publications outlining the LEA’s rules, regulations, procedures, and standards of conduct. Employee materials must also include materials provided at the time of initial hire.

Item Instructions:

Related Items: EE 02

##### Pupil Sexual Harassment Complaints Procedure

Abbreviation: StdntSxlHrssmntCmplntsPlcyPrcdr

Description: Current sexual harassment complaint procedures, with approval/adoption date(s).

Item Instructions:

Related Items: EE 02

##### Pupil Sexual Harassment Policy

Abbreviation: StdntSxlHrsmntPlcy

Description: Current Board policy, with approval/adoption date(s), which (1) prohibits sexual harassment and (2) outlines the complaint procedures for such allegations.

Item Instructions:

Related Items: EE 02

##### Pupil Sexual Harassment Policy Website Postings

Abbreviation: PplSxlHrssmntPlcyWbstPstngs

Description: Legible screenshot(s) of the LEA’s website which contains the pupil sexual harassment policy.

Item Instructions: EE 02: Weblinks will not be accepted as evidence.

Related Items: EE 02

##### Pupil Sexual Harassment Posters

Abbreviation: PplSxlHrsmntPstrs

Description: Legible picture(s) of the sexual harassment poster(s) posted at the school sites.

Item Instructions:

Related Items: EE 02

##### Confirmation of Sexual Harassment Posters

Abbreviation: CnfrmtnSxlHrssmntPstrs

Description: Statement certifying all schools and district office have posted the LEA’s sexual harassment posters in prominent and conspicuous locations in the bathrooms and locker rooms.

Item Instructions: EE 02: Statement must be on LEA letterhead and signed by the LEA’s superintendent.

Related Items: EE 02

##### Onsite Review of Sex Discrimination/Harassment Complaints

Abbreviation: OnstRvSxDscrmntnHrssmntCmplnts

Description: Onsite review of complaints alleging sex discrimination and/or harassment filed within the past 12 months by pupils and parents/guardians.

Item Instructions: EE 02: Do not upload complaints into CMT.

Related Items: EE 02, EE 04

### EE 03: Suicide Prevention and Pupil Safety

3.0 The governing board or body of a LEA that serves pupils in grades 7 to 12, inclusive, shall, before the beginning of the 2017–18 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in grades 7 to 12, inclusive. The policy shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention. (*EC* Section 215(a)(1))

3.1 The LEA’s policy on pupil suicide prevention in grades 7-12, inclusive, shall be readily accessible in a prominent location on the LEA’s existing internet website in a manner that is easily accessible to parents/guardians and pupils.   
(EC Section 234.6(b)(1))

3.2 The governing board or body of a LEA that serves pupils in kindergarten and grades 1 to 6, inclusive, shall, before the beginning of the 2020-21 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in kindergarten and grades 1 to 6 inclusive. The policy shall be developed in consultation with school and community stakeholders, the county mental health plan, school-employed mental health professional, and suicide prevention experts and shall, at a minimum, address procedures for related to suicide prevention, intervention, and postvention. (EC Section 215(a)(2)(A))

* + 1. The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be age appropriate and shall be delivered and discussed in a manner that is sensitive to the needs of young pupils. (*EC* Section 215(a)(2)(B))
    2. The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be written to ensure proper coordination and consultation with the county mental health plan if a referral is made for mental health or related services on behalf of a pupil who is a Medi-Cal beneficiary. (*EC* Section 215(a)(2)(C))

3.3 The LEA’s policy on pupil suicide prevention in kindergarten and grades 1 to 6, inclusive, shall be readily accessible in a prominent location on the LEA’s existing internet website in a manner that is easily accessible to parents/guardians and pupils and include a reference to the age appropriateness of the policy   
(EC Section 234.6(b)(2))

3.4 The policy shall specifically address the needs of high-risk groups, including, but not limited to, all of the following:

* + 1. Youth bereaved by suicide.
    2. Youth with disabilities, mental illness, or substance use disorders.
    3. Youth experiencing homelessness or in out-of-home settings, such as foster care.
    4. Lesbian, gay, bisexual, transgender, or questioning (LGBTQ) youth.   
       (*EC* Section 215(a)(3))

3.5 The policy shall be written to ensure that a school employee acts only within the authorization and scope of the employee’s credential or license. Nothing in this section shall be construed as authorizing or encouraging a school employee to diagnose or treat mental illness unless the employee is specifically licensed and employed to do so. (*EC* Section 215(a)(5))

3.6 The policy shall also address any training to be provided to teachers of pupils in all of the grades served by the LEA. (*EC* Section 215 (a)(4)(A))

* + 1. Materials approved by a LEA for training shall include how to identify appropriate mental health services, both at the school site and within the larger community, and when and how to refer youth and their families to those services. (*EC* Section 215(a)(4)(B))
    2. Materials approved for training may also include programs that can be completed through self-review of suitable suicide prevention materials. (*EC* Section 215(a)(4)(C)

3.7 The governing board or body of an LEA that serves pupils in kindergarten and grades 1 to 12, inclusive, shall review, at a minimum every fifth year, its policy on pupil suicide prevention and, if necessary, update its policy. Nothing in this section shall prevent the governing board or body of an LEA from reviewing or updating its policy on pupil suicide prevention more frequently than every fifth year. (EC Section 215(a)(6)(b-c))

3.8 Commencing July 1, 2019, a public school, including a charter school, or a private school, that serves pupils in any of grades 7 to 12, inclusive, and that issues pupil identification cards shall have printed on either side of the pupil identification cards the telephone number for the National Suicide Prevention Lifeline, 1-800-273-8255. (*EC* Section 215.5(a)(1)(A))

* + 1. The LEA may also include one or more of the following on the back of pupil identification cards:
       1. The Crisis Text Line, which can be accessed by texting HOME to 741741. (*EC* Section 215.5(a)(1)(B))
       2. A local suicide prevention hotline telephone number. (*EC* Section 215.5(a)(1)(C))

3.9 Commencing October 1, 2020, a public school, including a charter school, or a private school, that serves pupils in any of grades 7 to 12, inclusive, and that issues pupil identification cards shall have printed on either side of the pupil identification cards the telephone number for the National Domestic Violence Hotline: 1-800-799-7233 or a local domestic violence hotline. (EC Section 215.5(a)(2))

#### Evidence Requests

##### Pupil Identification Cards

Abbreviation: StdntIdCrds

Description: Sample of three pupil identification cards from different grade levels showing the required suicide prevention and domestic violence information.

Item Instructions: EE 03: The photograph, name, and other personally identifiable information must be redacted.

Related Items: EE 03

##### Suicide Prevention Board Policy

Abbreviation: ScdPrvntnBrdPlcy

Description: Current Board policy, with approval/adoption date(s), for pupils relating to suicide prevention, intervention, and postvention.

Item Instructions:

Related Items: EE 03

##### Suicide Prevention Policy Website Posting

Abbreviation: ScdPrvntnPlcyWbstPstng

Description: Legible screenshot(s) of the LEA’s website which contains the pupil suicide prevention policy.

Item Instructions: EE 03: The policy must be posted in a readily accessible and prominent location on the LEA’s internet website. Weblinks will not be accepted as evidence.

Item Instructions:

Related Items: EE 03

### EE 04: Title IX Notification

4.0 The LEA notifies students, parents, employees, and others that it does not discriminate on the basis of sex in the education program or activity it operates. (34 CFR Section 106.9(a))

4.1 The LEA shall post the following Title IX requirements in a prominent and conspicuous location on the LEA’s existing web page:

(a) The name and contact information of the Title IX coordinator that public school, school district, county office of education, or charter school which shall include the Title IX coordinator’s phone number and email address.

* + 1. The rights of a pupil and the public and the responsibilities of public school, school district, county office of education, or charter school under Title IX, which shall include, but shall not be limited to, internet web links to information about those rights and responsibilities located on the internet websites of the department’s Office for Equal Opportunity and the U.S. Department of Education (ED) Office of Civil Rights (OCR), and the list of rights specified in *EC* Section 221.8.
    2. A description of how to file a complaint under Title IX, which must include all of the following:
       1. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred, and how a complaint may be filed beyond the statute of limitations.
       2. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint including, but not limited to, internet web links to this information on the U.S. ED OCR’s internet web site.
       3. An internet web link to the U.S. ED OCR complaints form, and the contact information for the office, which shall include the phone number and email address for the office. (*EC* Section 221.61).

4.2 The LEA shall post a link the CDE’s Title IX information in a prominent location on the LEA’s existing internet website in a manner that is easily accessible to parents/guardians and pupils. (*EC* Section 234.6(b)(5))

#### Evidence Requests

##### Notification of Sex Discrimination Policy

Abbreviation: NtfctnSxDscrmntnPlcy

Description: Publications and other materials provided to pupils, parents/guardians, and employees that contain the LEA’s sex nondiscrimination policies.

Item Instructions: EE 04: Materials must include the Title IX coordinator contact information.

Related Items: EE 04

##### Onsite Review of Sex Discrimination/Harassment Complaints

Abbreviation: OnstRvSxDscrmntnHrssmntCmplnts

Description: Onsite review of complaints alleging sex discrimination and/or harassment filed within the past 12 months by pupils and parents/guardians.

Item Instructions: EE 04: Do not upload complaints into CMT.

Related Items: EE 02, EE 04

##### Pupil Sex Nondiscrimination Policy

Abbreviation: PplSxDscrmntnPlcy

Description: Current Board policy, with approval/adoption date(s), prohibiting discrimination on the basis of sex. Policy must include the Title IX coordinator contact information.

Item Instructions:

Related Items: EE 04

##### Sex Discrimination and Harassment Website Posting

Abbreviation: SxDscrmntnHrssmntWbstPstng

Description: Legible screenshot(s) of the LEA’s website which contains the LEA’s definition(s) of discrimination and harassment based on sex.

Item Instructions: EE 04: The definition(s) must be posted in a readily accessible and prominent location on the LEA’s internet website. Weblinks will not be accepted as evidence.

Related Items: EE 04

##### Title IX Webpage

Abbreviation: Title IX Webpage

Description: Legible screenshot(s) of the LEA’s Title IX webpage displaying all required components under EE 4.6.

Item Instructions: EE 04: Web links will not be accepted as evidence.

Related Items: EE 04

### EE 05: Marital, Parental, and Pregnancy Status

5.0 The LEA shall notify pregnant and parenting pupils of their rights and options available under the law through the annual school year welcome packets and through independent study packets. (*EC* Section 222.5(a))

5.1 The LEA shall also annually notify parents/guardians of pupils at the beginning of the regular school term of the rights and options available to pregnant and parenting pupils under the law. (*EC* Section 222.5(b))

5.2 The LEA shall apply no rule concerning a pupil’s actual or potential parental, family, or marital status that treats pupils differently on the basis of sex.   
(*EC* Section 221.51(a); 5 *CCR* Section 4950; 34 CFR Section 106.40(a))

5.3 The LEA shall not exclude or deny any pupil from any educational program or activity solely on the basis of the pupil’s pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. (*EC* Section 221.51(b); 5 *CCR* Section 4950(a); 34 CFR Section 106.40(b)(1)).

5.4 Pregnant or parenting pupils are not excluded from participation in their regular school programs or required to participate in pregnant-pupil programs or alternative educational programs. (*EC* Section 221.51(d); 5 *CCR* Section 4950(c); 34 CFR Section 106.40(b)(1)).

5.5 Pregnant/parenting pupils who voluntarily participate in alternative programs are given educational programs, activities, and courses equal to the regular program.  
(*EC* Section 221.51(d); 5 *CCR* Section 4950(c); 34 CFR Section 106.40(b)(3)).

5.6 The LEA treats pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disability. (*EC* Section 221.51(e); 5 *CCR* Section 4950(d); 34 CFR Section 106.40(b)(4)).

5.7 The LEA shall provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A school shall be required to provide the reasonable accommodations specified only if there is at least one lactating pupil on the school campus.

* + 1. Reasonable accommodations under this section include, but are not limited to, all of the following:
       1. Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child.
       2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk.
       3. Access to a power source for a breast pump or any other equipment used to express breast milk.
       4. Access to a place to store expressed breast milk safely.
    2. A lactating pupil shall be provided a reasonable amount of time to accommodate her need to express breast milk or breast-feed an infant child.
    3. Only school sites with at least one lactating pupil shall provide the reasonable accommodations specified above. A school subject to this may use an existing facility to meet the requirements.
    4. A pupil shall not incur an academic penalty as a result of her use, during the school day, of the reasonable accommodations specified in this section, and shall be provided the opportunity to make up any work missed due to such use. (*EC* Section 222(a)(e))

#### Evidence Requests

##### Married, Pregnant, and Parenting Policy

Abbreviation: MrdPrgntPrntgPlcy

Description: Current Board policy, with approval/adoption date(s), related to a pupil’s actual or perceived parental, pregnancy, and/or marital status.

Item Instructions:

Related Items: EE 05

##### Notification of Rights to Parents/Guardians

Abbreviation: NtfctnRgtsPrntsGrdns

Description: Annual notifications to parents/guardians outlining the rights and options available to pregnant and/or parenting pupils.

Item Instructions:

Related Items: EE 05

##### Notification of Rights for Pregnant and Parenting Pupils

Abbreviation: NtfctnRgtsPrgntPrntStdnts

Description: Annual welcome packets and independent study packets to pregnant and/or parenting pupils outlining the rights and options available to pregnant and/or parenting pupils.

Item Instructions:

Related Items: EE 05

##### Statement regarding Lactating Pupils

Abbreviation: StmntRgrdngLctngStdnts

Description: Statement outlining the number of lactating pupils currently enrolled in the school district, categorized by school site.

Item Instructions: EE 05: Statement must be on LEA letterhead and signed by the district superintendent.

Related Items: EE 05

##### Reasonable Accommodation of Lactating Pupils

Abbreviation: RsnblAcmdtnLctngStdnts

Description: Policy and procedure outlining the accommodations available to lactating pupils.

Item Instructions:

Related Items: EE 05

##### Pupil Schedules

Abbreviation: StdntSchdls

Description: Schedules for three pregnant and/or parenting pupils and three non-pregnant/non-parenting pupils in the same grade levels. Pupil names and other personally identifiable information must be redacted.

Item Instructions: EE 05: Schedules provided must be from the current academic year.

Related Items: EE 05

### EE 06: Immigration and Citizenship

6.0 School officials and employees of an LEA shall not collect information or documents regarding citizenship or immigration status of pupils and their family members, except as required by law or required to administer a state or federally supported educational program. (*EC* Section 234.7(a))

6.1 The LEA shall report to the responsible governing board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures confidentiality and privacy of any potentially identifying information. (*EC* Section 234.7(b))

6.2 If an employee of a school is aware that a pupil’s parent or guardian is not available to care for the pupil, the school shall first exhaust any parental instruction relating to the pupil’s care in the emergency contact information it has for the pupil to arrange for the pupil’s care. A school is encouraged to work with parents or guardians to update the emergency contact information and not to contact Child Protective Services to arrange for the pupil’s care unless the school is unable to arrange for care through the use of emergency contact information or other information or instructions provided by the parent or guardian.   
(*EC* Section 234.7(c))

6.3 The LEA’s governing board shall do both of the following:

* + 1. Provide information to parents and guardians, as appropriate, regarding their children’s right to a free public education, regardless of immigration status or religious beliefs. This information shall include information relating to “know your rights” immigration enforcement established by the Attorney General and may be provided in the annual notification to parents and guardians pursuant to *EC* Section 48980 or any other cost-effective means determined by the LEA. (*EC* Section 234.7(d)(1))
    2. Educate pupils about the negative impact of bullying other pupils based on their actual or perceived immigration status or their religious beliefs and customs. (*EC* Section 234.7(d)(2))

6.4 All LEAs shall adopt policies based on the model policies developed by the Attorney General’s Office (*Guidance*), or equivalent policies.   
(*EC* Section 234.7(g))

#### Evidence Requests

##### “Know Your Educational Rights”

Abbreviation: KnwYrEdctnlRghts

Description: Materials with required “Know Your Educational Rights” distributed to parents/guardians and proof of distribution.

Item Instructions:

Related Items: EE 06

##### Annual Notification – General Information Policy

Abbreviation: AnlNtfctnGnrlInfmtnPlcy

Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), related to pupil privacy and the parent/guardian ability to inspect pupil information.

Item Instructions: EE 06: Reference Attorney General’s Guidance, page 21.

Related Items: EE 06

##### Annual Notification – Pupil Directory Information

Abbreviation: AnlNtfctnStdntDrctryInfmtn

Description: Annual notification sent to pupils and parents/guardians which includes a description of the information identified as “directory information,” the ability for parents/guardians to refuse the release of information, and the time frame for a written refusal.

Item Instructions: EE 06: Reference Attorney General’s Guidance, page 22.

Related Items: EE 06

##### Collecting and Retaining Pupil Information

Abbreviation: ClctngRtngStdntInfmtn

Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which outlines how the LEA collects and retains pupil information.

Item Instructions: EE 06: Reference Attorney General’s Guidance, page 12.

Related Items: EE 06

##### Immigration Status, Citizenship Status, and National Origin Information

Abbreviation: ImgrtnStsCtznspStsNtnlOrgnInfmtn

Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which describes how the LEA handles inquiries related to immigration status, citizenship status, and/or national origin.

Item Instructions: EE 06: Reference Attorney General’s Guidance, pages 12-13.

Related Items: EE 06

##### Information Sharing

Abbreviation: InfmtnShrng

Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which describes how the disclosure of pupil and family information is monitored.

Item Instructions: EE 06: Reference Attorney General’s Guidance, pages 20-21

Related Items: EE 06

##### Monitoring and Receiving Visitors onto Campus

Abbreviation: MntrngRcvngVstrsCmps

Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which outlines the process for receiving visitors onto school sites.

Item Instructions: EE 06: Reference Attorney General’s Guidance, page 29.

Related Items: EE 06

##### Parental Notifications of Immigration-Enforcement Actions

Abbreviation: PrntlNftctnImgrtnEnfrcmntActns

Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which describes the process for parent/guardian notifications of immigration-enforcement actions.

Item Instructions: EE 06: Reference Attorney General’s Guidance, page 31.

Related Items: EE 06

##### Response to Hate Crimes and Bullying

Abbreviation: RpsnsHtCrmsBlyng

Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), prohibiting discrimination, harassment, intimidation, and bullying on the basis of a pupil’s actual or perceived nationality, ethnicity, and/or immigration status.

Item Instructions: EE 06: Reference Attorney General’s Guidance, pages 37–38.

Related Items: EE 06

##### Response to On-Campus Immigration Enforcement

Abbreviation: RspnsOnCmpsImgrtnEnfrcmnt

Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which describes the LEA’s response to on-campus immigration enforcement.

Item Instructions: EE 06: Reference Attorney General’s Guidance, pages 30–31.

Related Items: EE 06

##### Response to the Detention and Deportation of a Pupil’s Family Member

Abbreviation: RspnsDtntnDprtnStdntFmMmbr

Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which describes the process for responding to the detention and deportation of a pupil’s family member.

Item Instructions: EE 06: Reference Attorney General’s Guidance, page 34.

Related Items: EE 06

##### Social Security Numbers or Cards

Abbreviation: SSNsCrds

Description: Current Board policy, procedure, and/or process, with approval/adoption date(s), which describes how the LEA handles inquiries related to Social Security numbers and cards.

Item Instructions: EE 06: Reference Attorney General’s Guidance, page 13.

Related Items: EE 06

##### Training related to Hate Crimes and Bullying

Abbreviation: TrngRltdHtCrmsBlyng

Description: Training provided to pupils and staff related to hate crimes and bullying on the basis of a pupil’s actual or perceived immigration status and/or their religious beliefs or customs.

Item Instructions: EE 06: Reference Attorney General’s Guidance, page 38.

Related Items: EE 06

## VI. Opportunity and Equal Educational Access

### EE 07: Curriculum Instruction and Counseling Materials

7.0 LEAs shall not discriminate against any pupil based on actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, national origin, race or ethnicity, religion, sex, or sexual orientation in the counseling or guidance of pupils. (*EC* sections 220, 221.5; 5 *CCR* sections 4930; 34 CFR Section 106.36).

7.1 An LEA that uses testing or other materials for appraising or counseling pupils shall not use different materials for pupils on the basis of actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics, unless such different materials cover the same occupations and interest areas and the use of such different materials is essential to the elimination of bias and discrimination. (*EC* Section 220; 5 CCR Section 4931; 34 CFR Section 106.36(b))

7.2 The LEA shall not permit any course or activity labeling or scheduling which results in the separation of pupils on the basis of actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, national origin, race or ethnicity, religion, sex, or sexual orientation. If pupils have the opportunity to select a specific activity for a physical education course, the course title and description shall be gender neutral. (*EC* Section 220; 5 *CCR* Section 4940(d))

7.3 In determining required courses for any pupil, such determination shall be made without regard to actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, national origin, race or ethnicity, religion, sex, or sexual orientation. (*EC* Section 220; 5 *CCR* Section 4940(h))

7.4 The LEA shall ensure that substantially any disproportionate number of pupils of one group enrolled in a particular class is not the result of discrimination in counseling policy or practice, or appraisal materials or discrimination by counselors, or any other employee of the LEA. (5 *CCR* sections 4931 (d); 34 *CFR* Section 106.36(c))

#### Evidence Requests

##### Academic, Career, and Guidance Counseling Materials

Abbreviation: AcdmcCrGdnCnslngMtrls

Description: All materials provided to pupils related to academic, career, and guidance counseling.

Item Instructions:

Related Items: EE 07

##### Course Announcements

Abbreviation: CrsAncmnts

Description: Current academic year course announcements or publications for all grade levels served.

Item Instructions: EE 07: Announcements/publications must include a complete nondiscrimination statement and the coordinator(s) contact information.

Related Items: EE 07

##### Master Course Scheduling Process

Abbreviation: MstrCrsSchdlngPrcs

Description: Written description of the process used to identify and resolve disproportionate number of pupils of one sex in a particular course.

Item Instructions: EE 07: Statement must be on LEA letterhead and signed by the district superintendent.

Related Items: EE 07

### EE 08: Pupil Activities, Clubs, and Programs

8.0 LEA shall not provide or otherwise carry out any of its extracurricular or activities separately, or require or refuse participation therein by any of its pupils on the basis of actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. (*EC* sections 220 and 260; 5 *CCR* sections 4925–4926)

8.1 All pupil clubs shall have equal access to LEA facilities to conduct a meeting and a fair opportunity to meet within the limited open forum of the LEA, if the LEA has a limited open forum. (5 *CCR* Section 4927)

8.2 Membership in student clubs must be open to all pupils regardless of actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. (*EC* Section 220; 5 CCR Section 4926)

8.3 A pupil shall be permitted to participate in sex-segregated school programs and activities and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil’s records. (*EC* Section 221.5(f))

#### Evidence Requests

##### Activities, Clubs, and Program Materials

Abbreviation: ActvtsClbsPrgmMtrls

Description: All materials used related to pupil activities, clubs, and programs. Materials must indicate availability to all pupils. Screenshots of social media or other web-based materials must be legible.

Item Instructions:

Related Items: EE 08

##### Pupil Activities, Clubs, and Programs Policy

Abbreviation: StdntActvtsClbsPrgmsPlcy

Description: Current Board policy and/or procedure, with approval/adoption date(s), related to pupil participation and selection criteria for extracurricular and co-curricular activities, clubs, and programs. Policy must indicate availability of activities, clubs, and programs to all pupils.

Item Instructions:

Related Items: EE 08

##### Pupil Gender Identity and Expression

Abbreviation: PplGndrIdnttyExprssn

Description: Current policy and/or procedure outlining the provisions and accommodations for transgender and gender nonconforming pupils.

Item Instructions:

Related Items: EE 08, EE 09

### EE 09: Athletics

9.0 No person shall on the basis of ancestry, color, disability, gender, gender expression, gender identity, immigration status, national origin, race or ethnicity, religion, sex, or sexual orientation be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise discriminated against in interscholastic, intramural, or club athletics. (*EC* Section 220; 5 CCR Section 4920).

9.1 A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records. (*EC* Section 221.5(f); 5 *CCR* sections 4922(a)(1–9); 34 CFR Section 106.33)

9.2 The LEA shall not, on the basis of sex, exclude from participation in, or deny equivalent opportunity in, athletic programs. In in determining whether equivalent opportunities are available to both sexes in athletic programs, the factors an LEA shall consider include, but are not limited to:

* + 1. Whether the selection of sports and levels of competition offered effectively accommodate the interests and abilities of both sexes;
    2. The provision and maintenance of equipment and supplies;
    3. Scheduling of games and practice times; selection of the season for a sport; location of the games and practices;
    4. Travel and per diem allowances;
    5. Opportunities to receive coaching and academic tutoring;
    6. Assignment and compensation of coaches and tutors;
    7. Provision of locker rooms, practice and competitive facilities;
    8. Provision of medical and training facilities and services;
    9. Provision of housing and dining facilities and services;
    10. Publicity. (5 CCR 4922(a))

9.3 LEA shall ensure that athletic programs supported by public funds provide equal opportunity to both sexes for participation and for use of facilities. An LEA may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for [students](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b7ed54298238181598cf3cfb11d3add7&term_occur=999&term_src=Title:34:Subtitle:B:Chapter:I:Part:106:Subpart:D:106.33) of one sex shall be comparable to such facilities provided for [students](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b7ed54298238181598cf3cfb11d3add7&term_occur=999&term_src=Title:34:Subtitle:B:Chapter:I:Part:106:Subpart:D:106.33) of the other sex. (*EC* Section 221.7(b); 34 CFR Section 106.33)

9.4 The LEA accommodates the interests and abilities in athletics of both sexes by any one of the following means:

* + 1. Opportunities for interscholastic-level participation for male and female pupils are provided in numbers substantially proportionate to their respective enrollments. (*EC* Section 230(d)(1))
    2. The history of the program and continuing practice of program expansion are demonstrably responsive to the developing interest and abilities of members of the sex that has been and is underrepresented among interscholastic athletes. (*EC* Section 230(d)(2))
    3. Interests and abilities of the members of the underrepresented sex have been fully and effectively accommodated by the present program.  
       (*EC* Section 230(d)(3))

9.5 When a local agency only provides one team in a particular sport for members of one sex but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have previously been limited, members of the excluded sex must be allowed to try out and compete with the LEA’s team. The same standards for eligibility shall be applied to every pupil trying out for a team, regardless of sex or sexual orientation or other protected group status. (5 CCR Section 4921(b))

9.6 The LEA ensures that each public elementary school, secondary school, and charter school offering competitive athletics shall make all of the following information publicly available at the end of the school year: (1) total enrollment of the school, classified by gender; (2) number of pupils enrolled at the school who participate in competitive athletics, classified by gender; and (3) number of boys' and girls' teams, classified by sport and competition level.  
(*EC* Section 221.9(a–c))

* + 1. The information shall reflect the total number of players on a team roster on the first official day of team competition. (*EC* Section 221.9(b))
    2. This information shall be posted on the school’s internet website, or if the school does not maintain an internet website, on the district or charter school’s internet website and the information for each school shall be listed individually. (*EC* Section 221.9(c))
    3. All materials used to compile each school's information shall be retained by the school for a minimum of three years after the information is posted on the Internet. (*EC* Section 221.9(d))

9.7 If the LEA reduces its athletic budget, it does so consistently with its legal obligation to comply with both state and federal gender equity laws. (*EC* Section 230(e); 34 CFR Section 106.41(c))

#### Evidence Requests

##### Athletic Competition Schedules

Abbreviation: AthltcCmptnSchdls

Description: Previous academic year’s athletic competition schedules, classified by sport and gender.

Item Instructions:

Related Items: EE 09

##### Athletic Facility Site Maps

Abbreviation: AthltcFcltyStMps

Description: Scaled maps of the LEA’s locker room and athletic facilities, classified by gender.

Item Instructions: EE 09: Maps must include locker room/facility square footage, locker count, and toilet/urinal, sink, and shower count.

Related Items: EE 09

##### Athletic Fiscal Records

Abbreviation: AthltcFsclRcrds

Description: Previous academic year’s athletic fiscal records for school site funding of athletic programs, classified by sport and gender.

Item Instructions: EE 09: Records must show expenditures for program equipment, facilities, coaches’ salary/stipend, transportation/travel, publicity, and medical services.

Related Items: EE 09

##### Athletic Recruitment and Participation Materials

Abbreviation: AthltcRcrtmntPrtptnMtrls

Description: All materials used in the promotion, recruitment, and participation of athletics at the LEA. Materials must indicate availability to all pupils. Screenshots of social media or other web-based materials must be legible.

Item Instructions:

Related Items: EE 09

##### Athletic Eligibility

Abbreviation: AthltcElgblty

Description: Eligibility criteria for all competitive athletic teams available to pupils within the LEA.

Item Instructions:

Related Items: EE 09

##### Athletic Rosters

Abbreviation: AthltcRstrs

Description: Previous academic year’s athletic rosters identifying the gender of each participating pupil, classified by sport and competition level.

Item Instructions: EE 09: Pupil names and other personally identifiable information must be redacted.

Related Items: EE 09

##### Athletics Webpage

Abbreviation: AthltcsWbpg

Description: Legible screenshot(s) of all of the LEA’s athletic webpage(s) which includes a complete nondiscrimination statement and the required athletic data. Web links will not be accepted as evidence.

Item Instructions: EE 09: Must include a complete nondiscrimination statement and the required athletic data.

Related Items: EE 09, EE 10

##### Pupil Gender Identity and Expression

Abbreviation: PplGndrIdnttyExprssn

Description: Current policy and/or procedure outlining the provisions and accommodations for transgender and gender nonconforming pupils.

Item Instructions:

Related Items: EE 08, EE 09

### EE 10: California Racial Mascots Act

10.0 Public schools are prohibited from using the term Redskins for school or athletic team names, mascots, or nicknames. (*EC* Section 221.3(a))

10.1 A school may continue to use uniforms or other materials bearing the term Redskins as a school or athletic team name, mascot, or nickname that were purchased before January 1, 2017 (plus no more than 20% replacement of damaged or lost uniforms prior to January 1, 2019), if all of the following requirements are met:

* + 1. The school selects a new school or athletic team name, mascot, or nickname.
    2. The school refrains from purchasing or acquiring, for the purpose of distribution or sale to pupils or school employees, any uniform that includes or bears the name Redskins.
    3. The school refrains from purchasing or acquiring, for the purpose of distribution or sale to pupils or school employees, any yearbook, newspaper, program, or other similar materials that includes or bears the prohibited team name, mascot, or nickname in its logo or cover title.
    4. The school refrains from purchasing or constructing a marquee, sign, or other new or replacement fixture that includes or bears the prohibited team name, mascot, or nickname. If facilities currently bear the prohibited team name, mascot or nickname, the school shall remove the prohibited name no later than the next time the associated part of the facility is replaced in the normal course of maintenance. (*EC* Section 221.3(b))

#### Evidence Requests

##### Athletics Webpage

Abbreviation: AthltcsWbpg

Description: Legible screenshot(s) of the LEA’s entire athletic web page(s) which includes a complete nondiscrimination statement and the required athletic data. Web links will not be accepted as evidence.

Item Instructions: EE 10: Must show the team/mascot name(s) and nickname(s) for all school sites.

Related Items: EE 09, EE 10

##### Purchase Records

Abbreviation: PrchsRcrds

Description: Fiscal records for athletic and band uniforms, equipment, signs, and publicized materials.

Item Instructions:

Related Items: EE 10

##### Team/Mascot Name Selection

Abbreviation: TmMsctNmSlctn

Description: Written description of the LEA’s process for selecting a new team/mascot name or nickname. Statement must be on LEA letterhead and signed by the district superintendent.

Item Instructions:

Related Items: EE 10

##### Uniforms

Abbreviation: Unfrms

Description: Legible picture(s) of LEA’s athletic, band, and activity uniforms.

Item Instructions:

Related Items: EE 10