



Civil Rights Review 2023–24 Program Instrument

California Department of Education
July 2023

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, in its programs or activities and provides equal access to the Boys Scouts of America or other designated youth groups. (34 *Code of Federal Regulations (CFR)* Section 106.8(a)(b); 34 *CFR* Section 104.8; 34 *CFR* Section 100.6(d); 28 *CFR* Section 35.106; 20 *United States Code (USC)* 790)

Related California Law:

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: CRR 01: Handbook(s) must include the continuous nondiscrimination notice with the Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number.
- Related Items: CRR 01, CRR 03, CRR 04, CRR 05, CRR 20

Parent/Guardian Handbook(s) and Annual Notifications

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Abbreviation: PrntGrdnHndbksNdNnINtctns
Description: Parent/Guardian Handbook(s) and/or Annual Notifications.
Item Instructions: CRR 01: Handbook must include the continuous nondiscrimination notice with Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number(s).
Related Items: CRR 01, CRR 03, CRR 04, CRR 05Publicized Materials

Abbreviation: PblczdMtrls
Description: Publications and non-CTE 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 (e.g., brochures, flyers, newsletters, trifolds, PowerPoints, electronic resources, etc.) must include the continuous nondiscrimination notice with Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number(s).
Related Items: CRR 01, CRR 03, CRR 04, CRR 05

Recruitment Publicized Materials

Abbreviation: RcrtmntPblczdMtrls
Description: All CTE recruitment materials, including, but not limited to, pictures, PowerPoint presentations, brochures, flyers, newsletters, flyers, guides, advertising, club rush materials, electronic publications, and catalogs.
Item Instructions: Must contain continuous nondiscrimination notice with Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number(s).
Related Items: CRR 01, CRR 06

Student Applications

Abbreviation: StdntAplctns
Description: Sample student applications, if applicable.

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Item Instructions: CRR 01: Applications must include the continuous nondiscrimination notice with the Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number.

Related Items: CRR 01, CRR 08, CRR 09

Student Handbook(s)

Abbreviation: StdntHndbks

Description: Student handbook(s).

Item Instructions: CRR 01: Handbook must include the continuous nondiscrimination notice with Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number.

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

Webpage – Nondiscrimination Postings

Abbreviation: WbpgNndsrmntnPstngs

Description: Legible screenshot of websites which show the continuous nondiscrimination notice with Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number.

Item Instructions:

Related Items: CRR 01

CRR 02: Annual Public Notification

2.0 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 Appendix B to Part 100 IV.O.)

2.1 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 Appendix B to Part 100 IV.O.)

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- 2.2 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 Appendix B to Part 100 IV.O.)
- 2.3 Recipient issues an annual public notice of nondiscrimination related to opportunities in its CTE programs. (34 CFR Appendix B to Part 100 IV.O.)
- 2.4 The notice also is disseminated in the language of any national origin minority community in the service area. (34 CFR Appendix B to Part 100 IV.O.)
- 2.5 Annual notice lists coordinators of Section 504 and Title IX with their name/title, address, and phone number. (34 CFR Appendix B to Part 100 IV.O.) (28 CFR Section 35.106) (34 CFR Section 104.7(a))
- 2.6 The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph. (28 CFR Section 35.107(a))

Related California Law:

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: AnnIPblcNtfctn
- Description: Annual Public Notification provided to parents/guardians, students, employees, and the general public. Proof of dissemination prior to the start of the school year for advising all stakeholders is required.
- Item Instructions: Annual Public Notification must include all of the elements in CRR 2.1 – 2.6. Must include the Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number.
- Related Items: CRR 02

Annual Public Notification in Other Languages

- Abbreviation: AnnIPblcNtfctnOthrLngs

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- Description: Annual Public Notification provided to parents/guardians, students, employees, and the general public in the language of any national origin minority community in the recipient's service area. Proof of dissemination prior to the start of the school year for advising all stakeholders is required.
- Item Instructions: Annual Public Notification must include all of the elements in CRR 2.1 – 2.6. Must include the Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number.
- Related Items: CRR 02

CRR 03: Title IX Coordinator and Sexual Harassment Grievance Procedure

- 3.0 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))
- (a) The recipient must notify applicants for admission and employment, students, parents/guardians of elementary and secondary school pupils, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, of the name or title, office address, email address, and telephone number of the designated Title IX Coordinator(s). Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator. (34 CFR Section 106.8(a))
- 3.1 The recipient must notify persons entitled to a notification under CRR 3.0 of this section that the recipient 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. 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 recipient's Title IX Coordinator, to the Office for Civil Rights Assistant Secretary, or both. (34 CFR Sections 106.8(b)(1))

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- 3.2 Each recipient must prominently display the contact information required to be listed for the Title IX Coordinator under CRR 3.1 of this section and the policy on its website, if any, and in each handbook or catalog that it makes available to persons entitled to notification under CRR 3.1 of this section. (34 *CFR* Section 106.8(b)(2)(i))
- 3.3 A recipient must not use or distribute a publication stating that the recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by title IX or this part. (34 *CFR* Section 106.8(b)(2)(ii))
- 3.4 With or without a formal complaint, a recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. (34 *CFR* Section 106.44(a)-(b))
- (a) A recipient's response must treat complainants and respondents equitably by:
- i. Offering supportive measures as defined in 34 *CFR* 106.30 (see below) to a complainant; and
 - ii. Following a complaint process that complies with 34 *CFR* 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined against a respondent. (34 *CFR* Section 106.44(a))
- A (1) "Supportive measures" mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonable available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. (34 *CFR* Section 106.30).
- B (2) "Supportive measures" may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator is responsible for coordinating

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the effective implementation of supportive measures. (34 CFR Section 106.30)

- C (3) The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining as confidential would not impair the ability of the recipient to provide the supportive measures. (34 CFR Section 106.30)

(b) The Title IX Coordinator must promptly contact the complainant to:

- i. Discuss the availability of supportive measures as defined in 34 CFR Section 106.30;
- ii. Consider the complainant's wishes with respect to supportive measures;
- iii. Inform the complainant of the availability of supportive measures with or without the filing a formal complaint; and
- iv. Explain to the complainant the process for filing a formal complaint.

3.5 In response to a formal complaint, the recipient must follow the complaint process that complies with 34 CFR 106.45. (34 CFR Section 106.44(b))

3.6 Nothing in this part precludes a recipient from removing a respondent from the recipient's education program or activity on an emergency basis, provided the recipient undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. (34 CFR Section 106.44(c))

3.7 A recipient must adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and 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 recipient 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

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sanctions or other actions against a respondent. Remedies must be designed to restore or preserve equal access to the recipient'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))

- 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 a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient 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 recipient 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 recipient 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))

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- 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 recognized privilege, unless the person holding the privilege has waived the privilege. (34 CFR Section 106.45(b)(1)(x))
- 3.8 Upon receipt of a formal complaint, a recipient must provide the following written notice to the parties who are known:
- (a) Notice of the recipient’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 recipient’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 recipient decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the recipient must provide notice of the additional allegations to the parties whose identities are known. (34 CFR Section 106.45(b)(2)(ii))
- 3.9 The recipient must investigate the allegations in a formal complaint. (34 CFR Section 106.45(b)(3))

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- (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 recipient's education program or activity, or did not occur against a person in the United States, then the recipient must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such dismissal does not preclude action under another provision in the recipient's code of conduct. (34 CFR Section 106.45(b)(3)(i))
 - (b) The recipient 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 recipient; or specific circumstances prevent the recipient 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 CRR 3.9(a)(b), the recipient must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties. (34 CFR Section 106.45(b)(3)(iii))
- 3.10 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 CRR 3.13 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 CRR 3.12(g) 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. (34 CFR 106.45(b)(1)(iii))
- 3.11 A recipient 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

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other party, where the allegations of sexual harassment arise out of the same facts or circumstances. (34 CFR Section 106.45(b)(4))

3.12 When investigating a formal complaint and throughout the grievance process, a recipient must:

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

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regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the recipient must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The recipient must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and (34 CFR Section 106.45(b)(5)(vi))

- (g) Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. (34 CFR Section 106.45(b)(5)(vii))

3.13 The recipient's grievance process may, but need not, provide for a hearing. With or without a hearing, after the recipient has sent the investigative report to the parties pursuant to paragraph CRR 3.12(f) of this section and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. (34 CFR 106.45(b)(6)(ii))

3.14 The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the recipient must apply the standard of evidence described in CRR 3.7(a)(vii). (34 CFR 106.45(b)(7)(i))

- (a) The written determination must include:

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- i. Identification of the allegations potentially constituting sexual harassment as defined in Section(s)106.30; (34 CFR Section 106.45(b)(7)(ii)(A))
 - ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (34 CFR Section 106.45(b)(7)(ii)(B))
 - iii. Findings of fact supporting the determination; (34 CFR Section 106.45(b)(7)(ii)(C))
 - iv. Conclusions regarding the application of the recipient's code of conduct to the facts; (34 CFR Section 106.45(b)(7)(ii)(D))
 - v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and (34 CFR Section 106.45(b)(7)(ii)(E))
 - vi. The recipient's procedures and permissible bases for the complainant and respondent to appeal. (34 CFR Section 106.45(b)(7)(ii)(F))
- (b) The recipient must provide written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. (34 CFR Section 106.45(b)(7)(iii))
- (c) The Title IX Coordinator is responsible for effective implementation of any remedies. (34 CFR Section 106.45(b)(7)(iv))

3.15 Complaint determination appeals:

- (a) A recipient must offer both parties an appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases: (34 CFR Section 106.45(8))
 - i. Procedural irregularity that affected the outcome of the matter; (34 CFR Section 106.45(b)(8)(i)(A))

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- ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; (34 CFR Section 106.45(b)(8)(i)(B)) and
 - iii. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. (34 CFR Section 106.45(b)(8)(i)(C))
- (b) A recipient may offer an appeal equally to both parties on additional bases. (34 CFR Section 106.45(b)(8)(ii))
- (c) As to all appeals, the recipient must:
- i. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties; (34 CFR Section 106.45(b)(8)(iii)(A))
 - ii. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator; (34 CFR Section 106.45(b)(8)(iii)(B))
 - iii. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in paragraph (b)(1)(iii) of this section; (34 CFR Section 106.45(b)(8)(iii)(C))
 - iv. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; (34 CFR Section 106.45(b)(8)(iii)(D))
 - v. Issue a written decision describing the result of the appeal and the rationale for the result; (34 CFR Section 106.45(b)(8)(iii)(E)) and
 - vi. Provide the written decision simultaneously to both parties. (34 CFR Section 106.45(b)(8)(iii)(F))
- 3.16 A recipient may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, a recipient may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full

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investigation and adjudication, provided that the recipient. (34 CFR Section 106.45(b)(9))

- (a) Provides to parties a written notice disclosing:
 - i. The allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; (34 CFR Section 106.45(b)(9)(i))
- (b) Obtains the parties' voluntary, written consent to the informal resolution process; (34 CFR Section 106.45(b)(9)(ii) and
- (c) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. (34 CFR Section 106.45(b)(9)(iii))

3.17 A recipient must maintain for a period of seven years records of:

- (a) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under paragraph (b)(6)(i) of this section, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity; (34 CFR Section 106.45(b)(10)(i)(a))
- (b) Any appeal and the result therefrom; (34 CFR Section 106.45(b)(10)(i)(B))
- (c) Any informal resolution and the result therefrom; (34 CFR Section 106.45(b)(10)(i)(C)) and
- (d) materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public. (34 CFR Section 106.45(b)(10)(i)(D))

3.18 For each response required under Section 106.44, a recipient must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint

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of sexual harassment. In each instance, the recipient must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the recipient's education program or activity. If a recipient does not provide a complainant with supportive measures, then the recipient must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken. (34 CFR Section 106.45(b)(10)(ii))

Evidence Requests

Data on Complaints

Abbreviation: DtCmplnts

Description: Data related to the number of complaints received over the last two (2) years. Data must include: 1) complaint type, 2) dates received, time extension letter (if any), resolution, appeal (if any) and 3) outcome of any complaint investigations.

Item Instructions:

Related Items: CRR 03, CRR 04, CRR 05

Employee Handbook(s)

Abbreviation: EmplHndbks

Description: Employee handbook(s).

Item Instructions: CRR 03: Handbook must include the pupil and employee Title IX sexual harassment grievance procedure(s) and Title IX Coordinator(s) name, title, address, phone number, and email address.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05, CRR 20

Job Description(s) (Title IX)

Abbreviation: JobDscrptnsTtIX

Description: A copy of the job descriptions for the recipient's Title IX Coordinator(s).

Item Instructions: Job description must include the designee's responsibilities outlined under Title IX.

Related Items: CRR 03

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Parent/Guardian Handbook(s) and Annual Notifications

Abbreviation: PrntGrdnHndbksNdNnlNtctns
Description: Parent/Guardian Handbook(s) and/ or, Annual Notifications.
Item Instructions: CRR 03: Handbook(s) must include the recipient’s Title IX sexual harassment grievance policy and procedure.
Related Items: CRR 01, CRR 03, CRR 04, CRR 05

Publicized Materials

Abbreviation: PblczdMtrls
Description: Publications and other materials related to programs and activities offered/provided to students, parents/guardians, employees, and unions or professional organizations holding collective bargaining or professional agreements.
Item Instructions: CRR 03: Program and activity materials (e.g., brochures, flyers, newsletters, electronic publications) must include notification of the recipient’s Title IX sexual harassment complaint procedures and Title IX Coordinator(s) name, title, address, phone number, and email address.
Related Items: CRR 01, CRR 03, CRR 04, CRR 05

Sexual Harassment Grievance Procedures

Abbreviation: SxHrsmntGrvncPrcdrs
Description: Grievance procedure for complaints of discrimination and/or harassment on the basis of sex.
Item Instructions: Procedures of resolution for pupil and employee complaints with alleged action(s) prohibited under Title IX.
Related Items: CRR 03

Student Handbook(s)

Abbreviation: StdntHndbks
Description: Student handbook(s).
Item Instructions: CRR 03: Handbook(s) must include the recipient’s pupil Title IX sexual harassment grievance procedure and Title IX Coordinator(s) name, title, address, phone number, and email address.
Related Items: CRR 01, CRR 03, CRR 04, CRR 05

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Title IX Compliance Support Team

- Abbreviation: TtlIXCmplncSpprtTm
- Description: Identify administrators/staff who are part of the Title IX Grievance Process and designated for Appeals, as Decision Makers, and responsible for Supportive Measures, Investigations, and Informal Resolutions.
- Item Instructions: (1) Use blank LEA Self-Reporting Title IX Grievance Designee form from FPM Box; (2) Fill in all information and ensure the information is complete; and (3) Link document and certify.
- Related Items: CRR 03

Title IX Training

- Abbreviation: TtlIXTrnng
- Description: Training given to the Title IX Coordinator(s), investigator(s), decision-maker(s), appeals, supportive measures and other person(s) who facilitate the informal resolution process.
- Item Instructions: Proof of Training (completion certificates or Superintendent's signed confirmation on recipient letterhead) provided to all roles must be submitted. Training material(s) such as handouts, PowerPoints, documents, screenshots, etc. must be provided as we are unable to access 3rd party vendor web portals.
- Related Items: CRR 03

Web Posting (Title IX)

- Abbreviation: WbPstngTtlIX
- Description: Legible screenshot(s) of the Title IX Web posting indicating grievance procedures and the Title IX Coordinator's name, title, address, phone number, and email address.
- Item Instructions: Must provide Title IX web postings for the school site. Web posting to include Title IX grievance procedures for both students and staff.
- Related Items: CRR 03

Written Notices

- Abbreviation: WrtnNtcs
- Description: Templates of written notices provided to complainant(s) and respondent(s) in response to receipt of a Title IX complaint.

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Item Instructions: Written notice must include information outlined under CRR 3.8. All personally identifiable information must be redacted from submission.

Related Items: CRR 03

Written Determination

Abbreviation: WrtnDtrmntn

Description: Template of written determination letter issued by decision-maker(s) to complainant and respondent in conclusion of a Title IX complaint.

Item Instructions: Written determination must include information outlined under CRR 3.14. All personally identifiable information must be redacted from submission.

Related Items: CRR 03

CRR 04: Title II Grievance Procedure

- 4.0 A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph. ((28 CFR Section 35.101) (28 CFR Section 35.107(a))
- 4.1 A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part. (28 CFR Section 35.107(b))

Related California Law:

District/school assigned person(s) to coordinate 504, Title II, Title IX activities and CCR, Title 5. This (these) person(s) must be aware of their duties and responsibilities and have the training necessary to carry out their responsibilities. (CCR, Title 5, Section 4961). District/school lists coordinators of 504, Title II, Title IX and CCR Title 5 with their name/title, address, and phone number in the notice of nondiscrimination. (5 CCR Section 4961)

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Evidence Requests

Data on Complaints

Abbreviation: DtaCmplnts

Description: Data related to the number of complaints received over the last two (2) years. Data must include: 1) complaint type, 2) dates received, time extension letter (if any), resolution, appeal (if any) and 3) outcome of any complaint investigations.

Item Instructions:

Related Items: CRR 03, CRR 04, CRR 05

Employee Handbook(s)

Abbreviation: EmplHndbks

Description: Employee handbook(s).

Item Instructions: CRR 04: Handbook(s) must include the Title II Coordinator name, title, address and phone number and the recipient's Title II complaint policy and procedure.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05, CRR 20

Job Description(s) (Title II Coordinator)

Abbreviation: JobDscrptnsTtII Crdntr

Description: A copy of the job description for the recipient's Title II Coordinator(s).

Item Instructions: Job description must include responsibilities outlined under Title II.

Related Items: CRR 04

Parent/Guardian Handbook(s) and Annual Notifications

Abbreviation: PrntGrdnHndbksNdNnlNtctns

Description: Parent/Guardian handbook(s) and/or Annual Notifications.

Item Instructions: CR04: Handbook(s) must include the Title II Coordinator name, title, address, phone number and, the Title II Grievance Procedures.

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

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Student Handbook(s)

Abbreviation: StdntHndbks
Description: Student handbook(s).
Item Instructions: CRR04: Handbook(s) must include the Title II Coordinator(s) name, title, address and phone number and, the Title II Grievance Procedures.
Related Items: CRR 01, CRR 03, CRR 04, CRR 05

Title II Grievance Procedures

Abbreviation: TtllGrvncPrcdrs
Description: The recipient's Title II Grievance Procedures.
Item Instructions: Adopted Board Policy for the resolution for complaints with alleged action(s) prohibited under Title II.
Related Items: CRR 04

Web Posting (Title II)

Abbreviation: WbPstngTtll
Description: Legible screenshot(s) of the posting indicating grievance procedures and the Title II Coordinator's name, title, address and phone number.
Item Instructions: Must display the Title II Coordinator's contact information and grievance procedures
Related Items: 04

CRR 05: Section 504 Coordinator and Grievance Procedure

- 5.0 A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part. (34 CFR Section 104.7(a))
- 5.1 A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504. (34 CFR 104.7(b))
- 5.2 A recipient that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or

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professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of Section 504 and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its program or activity. The notification shall also include an identification of the responsible employee designated pursuant to Section 104.7(a). (34 CFR 104.8(a))

- 5.3 Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications. (34 CFR 104.8(a))
- 5.4 If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) . A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications. (34 CFR 104.8(b))

Related California Law:

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

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

Evidence Requests

Data on Complaints

Abbreviation: DtaCmplnts

Description: Data related to the number of complaints received over the last two (2) years. Data must include: 1) complaint type, 2) dates received, time extension letter (if any), resolution, appeal (if any) and 3) outcome of any complaint investigations.

Item Instructions:

Related Items: CRR 03, CRR 04, CRR 05

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Employee Handbook(s)

Abbreviation: EmplHndbks
Description: Employee handbook(s)
Item Instructions: CRR 05: Handbook(s) must include the 504 Coordinator(s) name, title, address, and phone number and, a statement regarding the 504 Grievance Procedures.
Related Items: CRR 01, CRR 03, CRR 04, CRR 05, CRR 20

504 Grievance Procedure

Abbreviation: 504GrvncPrcdr
Description: The recipient's 504 grievance procedures.
Item Instructions: Adopted Policy on grievance procedures for complaints with alleged action(s) prohibited under 504.
Related Items: CRR 05

Job Description(s) (504)

Abbreviation: JobDscrptns504
Description: A copy of the job descriptions for the recipient's 504 Coordinator(s).
Item Instructions: Job description must include responsibilities outlined under Section 504.
Related Items: CRR 05

Parent/Guardian Handbook(s) and Annual Notifications.

Abbreviation: PrntGrdnHndbksNdNnINtctns
Description: Parent/Guardian Handbook(s) and/ or Annual Notifications.
Item Instructions: CRR 05: Handbook(s) must include the 504 Coordinator(s) name, title, address and phone number. and, a statement regarding the 504 Grievance Procedures.
Related Items: CRR 01, CRR 03, CRR 04, CRR 05

Publicized Materials

Abbreviation: PblczdMtrls

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Description: Publications and other materials related to the programs and activities offered/provided to students, parents/guardians, and employees, and unions or professional organizations holding collective bargaining or professional agreements

Item Instructions: CRR 05: Materials (e.g. brochures, flyers, newsletters, electronic publications) must include the 504 Coordinator(s)' name, title, address, and, phone number and, a statement regarding the 504 Grievance Procedures.

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

Student Handbook(s)

Abbreviation: StdntHndbks

Description: Student handbook(s)

Item Instructions: CRR 05: Handbook(s) must include the 504 Coordinator(s) name, title, address and phone number and, a statement regarding the 504 Grievance Procedures.

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

Webpage – Notification Postings

Abbreviation: WbpgNtfctnPstngs

Description: Legible screenshot of websites which shows the continuous nondiscrimination notice with Title IX Coordinator(s) name/title, address, phone number, and email address and Title II, and 504 Coordinators name/title, address, and phone number.

Item Instructions: CRR 05: Web sites must include the 504 Coordinator(s) name, title, address, and phone number.

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

CRR 06: Recruitment

- 6.0 Student recruitment activities and materials shall convey the message that all CTE programs are open to all students without regard to race, color, national origin, sex, or disability. Where recruitment activities involve the presentation or portrayal of vocational and career opportunities, the curricula and programs described should cover a broad range of occupational opportunities and not be limited on the basis of race, color,

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national origin, sex, or disability of the students or potential students to whom the presentation is made. To the extent possible, recruiting teams should represent persons of different races, national origins, sexes, and disabilities. (34 CFR Appendix B to Part 100 V.C. and V.E.)

Related California Law:

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

Evidence Requests

CTE Program Staff Demographics

- Abbreviation: CTEPrgrmStffDmgrpchs
- Description: Race, disability, national origin, and sex demographics of recipient's CTE program staff separated by programs. Do not include any personally identifiable information in upload(s).
- Item Instructions: Demographics must be provided on recipient letterhead and signed by the site principal.
- Related Items: CRR 06

Description of Recruitment Activities

- Abbreviation: DscrptnRcrtmntActvts
- Description: Descriptions of all CTE recruitment activities conducted by the recipient. Must include a description of all activities at off-site locations (i.e – feeder schools).
- Item Instructions: Descriptions must be provided on recipient letterhead and signed by the school site principal.
- Related Items: CRR 06

Recruitment Plans

- Abbreviation: RcrtmntPlns
- Description: List of CTE recruitment plans with description of programs which are required to be open to all students without regard to race, color, national origin, sex, or disability.

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Item Instructions: A description or schedule of planned activities and events demonstrating the recruitment of students by each protected characteristic; access to all programs for all students.

Related Items: CRR 06

Recruitment Plans for Limited English Language Students

Abbreviation: RcrtmntPlnsLmtdEngLngStdnts

Description: List of CTE recruitment plans for recruiting Limited English Language prospective and enrolled students.

Item Instructions: A description or schedule of planned activities and events for current academic year.

Related Items: CRR 06

Outreach to Students with Disabilities

Abbreviation: OtrchToStdntsWthDsblts

Description: Outreach plans for recruiting prospective and enrolled students with disabilities into the CTE program.

Item Instructions: CRR 14: Description or schedule must include outreach planned activities and events for inviting students with disabilities to participate in CTE program(s).

Related Items: CRR 06, CRR 14

Recruitment Publicized Materials

Abbreviation: RcrtmntPblcdMtrls

Description: All CTE recruitment materials, including, but not limited to, pictures, PowerPoint presentations, brochures, flyers, newsletters, PowerPoint electronic publications, and catalogs. Materials must contain continuous nondiscrimination notice with Title II, 504, and Title IX Coordinator(s).

Item Instructions: CRR 06: Materials must cover a broad range of occupational opportunities and not be limited on the basis of race, color, national origin, sex, or disability of the students or potential students to whom the presentation is made.

Related Items: CRR 01, CRR 06

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Recruitment Team Demographics

- Abbreviation: RcrtmntTmDmgrpchs
- Description: Race disability, national origin, and sex demographics of the recipient’s CTE recruitment team. Do not include any personally identifiable information in upload(s).
- Item Instructions: Demographics must be provided on recipient letterhead and signed by the site principal.
- Related Items: CRR 06

CRR 07: Promotional Activities

- 7.0 Districts and schools may not undertake promotional efforts in a manner that creates or perpetuates stereotypes or limitations based on race, color, national origin, sex, or disability. Materials that are part of promotional efforts may not create or perpetuate stereotypes through text or illustration. To the extent possible they should portray males or females, minorities or handicapped persons in programs and occupations in which these groups traditionally have not been represented. (34 CFR Appendix B to Part 100 V.E.)
- 7.1 If a recipient’s service area(s) contains a community of national origin minority persons of limited English language skills, promotional literature must be distributed to that community in its language. (34 CFR Appendix B to Part 100 V.E.)

Evidence Requests

CTE Promotional Materials

- Abbreviation: CTEPrmtnlMtrls
- Description: Materials and/or media presentations which show persons of varying races, male and female persons, persons with disabilities, and persons of a variety of national origins.
- Item Instructions: Materials must include the nondiscrimination notice with Title IX Coordinator(s) name/title, address, phone number, and email address and Title II, and 504 Coordinators name/title, address, and phone number.
- Related Items: CRR 07

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CTE Promotional Materials in Other Languages

Abbreviation:	CTEPrmtnlMtrlsOthrLngs
Description:	Recipient's translated CTE promotional materials distributed in the language minority communities.
Item Instructions:	CRR 07: Translated promotional materials must include the continuous nondiscrimination notice with the Title IX Coordinator(s) name/title, address, phone number, and email address and Title II, and 504 Coordinators name/title, address, and phone number.
Related Items:	CRR 07, CRR 11

Identification of Limited English Proficient Surrounding Community

Abbreviation:	IdntfctnOfLmtdEngPrfCmmnty
Description:	Recipient's process to identify and communicate with the census of the language minority communities in the surrounding service areas.
Item Instructions:	Identification process must be provided on recipient letterhead and signed by the school site principal. U.S. Census data showing the LEP community demographic must be part of the submission.
Related Items:	CRR 07

CRR 08: Admissions

- 8.0 Recipients may not judge candidates for admission to vocational education programs on the basis of criteria that have the effect of disproportionately excluding persons of a particular race, color, national origin, sex, or handicap. However, if a recipient can demonstrate that such criteria have been validated as essential to participation in a given program and that alternative, equally valid criteria that do not have such a disproportionate adverse effect are unavailable, the criteria will be judged nondiscriminatory. Examples of admissions criteria that must meet this test are past academic performance, record of disciplinary infractions, counselors' approval, teachers' recommendations, interest inventories, high school diplomas and standardized tests, such as the Test of Adult Basic Education (TABE). (34 CFR Appendix B to Part 100 IV.K.)
- 8.1 An introductory, preliminary, or exploratory course may not be established as a prerequisite for admission to a program unless the course has been and is available without regard to race, color, national origin, sex, and handicap. However, a course that was formerly only available on a discriminatory basis may be made a prerequisite for admission to a program if the recipient can demonstrate that: (a) The course is essential to

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participation in the program; and (b) the course is presently available to those seeking enrollment for the first time and to those formerly excluded. (34 CFR Appendix B to Part 100 IV.K.)

- 8.2 A recipient must not deny access to CTE and academic programs or courses to students with a disability on the basis that employment opportunities in any occupation or profession may be more limited for disabled persons than for nondisabled persons. (34 CFR Appendix B to Part 100 IV.N.; 34 CFR Section 104.10 and 104.43(c))

Related California Law:

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

Evidence Requests

CTE Admissions Policy and Process

- Abbreviation: CTEAdmsnsPlcyPrcls
- Description: Recipient's admissions policy and process for CTE programs, including procedures for selective CTE admissions.
- Item Instructions: If not applicable, a statement must be provided on school site letterhead and signed by the principal.
- Related Items: CRR 08

Demographics of CTE Applicants

- Abbreviation: DmgrpchsCTEApplcnts
- Description: CTE admissions data showing all accepted/selected and rejected student applicants. Include the demographics of race, color, sex, disability, national origin.
- Item Instructions: Demographics data must include the total number of students. If not applicable, a statement must be provided on school site letterhead and signed by the school site principal.
- Related Items: CRR 08

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Demographics of Limited English Language Applicants

Abbreviation:	DmgphcsLmtdEngLngApplcnts
Description:	CTE admissions data identifying accepted/selected and rejected students with limited English language skills.
Item Instructions:	CRR 08: Demographics data must include the total number of English learner students accepted/rejected along with an explanation for each rejected admission. If applications are not used, please provide a statement on letterhead, signed by the school site principal.
Related Items:	CRR 08, CRR 11

Demographics of Limited English Language Students

Abbreviation:	DmgphcsLmtdEngLngStdnts
Description:	Enrollment and placement data identifying the number of English Learner students in the recipient's CTE program(s).
Item Instructions:	CRR 08: Demographics data must be categorized by CTE program(s) with the total number of English learner students enrolled.
Related Items:	CRR 08, CRR 11

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).
Item Instructions:	CRR 08: Demographics data must be categorized by CTE program(s) with the number of students with disabilities enrolled.
Related Items:	CRR 08, CRR 14

Student Applications

Abbreviation:	StdntAplctns
Description:	Sample student applications, if applicable.
Item Instructions:	CRR 08: Student applications must include the nondiscrimination notice with the Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number.

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Related Items: CRR 01, CRR 08, CRR 09

CRR 09: Student Eligibility

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

Related California Law:

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

Evidence Requests

CTE Eligibility Criteria

Abbreviation: CTEElgbltyCrtr
Description: Eligibility criteria for recipient’s CTE program(s), school(s), and facilities.
Item Instructions: If not applicable, a description must be provided on recipient letterhead and signed by the site principal.
Related Items: CRR 09

Student Applications

Abbreviation: StdntAplctns
Description: Sample student applications, if applicable.
Item Instructions: CRR 08: Student applications must include the nondiscrimination notice with the Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number.
Related Items: CRR 01, CRR 08, CRR 09

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CRR 10: Residency

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

Related California Law:

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

Evidence Requests

Demographics of Adjoining Service Area(s) of Facility

- Abbreviation: DmgphcsAdjngSrvcFcilty
- Description: If applicable, a map of any off campus CTE facilities and demographics of students of those classes.
- Item Instructions: Demographics must be categorized by CTE program(s) with the number of students enrolled.
- Related Items: CRR 10

Maps of Attendance Zones

- Abbreviation: MpsAttndcZns
- Description: Maps of attendance zones with outlined boundaries.
- Item Instructions: Maps should show the boundaries of the selected school site.
- Related Items: CRR 10

CRR 11: Limited English Learner Admissions

- 11.0 Recipients may not restrict admission to CTE programs because the applicant, as a member of a national origin minority group with limited English language skills, cannot participate in and benefit from CTE to the same extent as students whose primary language is English. (34 CFR Appendix B to Part 100 IV.L.1)

- 11.1 It is the responsibility of the recipient to identify such applicants and assess their ability to participate in vocational instruction. Acceptable methods of

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identification include: (1) Identification by administrative staff, teachers, or parents of secondary level students; (2) identification by the student in postsecondary or adult programs; and (3) appropriate diagnostic procedures, if necessary. (34 CFR Appendix B to Part 100 IV.L)

- 11.2 Recipients must take steps to open all vocational programs to these national origin minority students. A recipient must demonstrate that a concentration of students with limited English language skills in one or a few programs is not the result of discriminatory limitations upon the opportunities are available to such students. (34 CFR Appendix B to Part 100 IV.L.)

Related California Law:

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

Evidence Requests

CTE Promotional Materials in Other Languages

Abbreviation: CTEPrmtnlMtrlsOthrLngs
Description: Recipient's translated CTE promotional materials distributed in the language minority communities.
Item Instructions:
Related Items: CRR 07, CRR 11

Demographics of Limited English Language Applicants

Abbreviation: DmgrphcsLmtdEngLngAplcnts
Description: CTE admissions data identifying accepted/selected and rejected students with limited English language skills.
Item Instructions:
Related Items: CRR 08, CRR 11

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Demographics of Limited English Language Students

Abbreviation: DmgphcsLmtdEngLngStdnts
Description: Enrollment and placement data identifying the number of English Learner students in the school site’s CTE program(s).
Item Instructions:
Related Items: CRR 08, CRR 11

Plans for Limited English Language Students

Abbreviation: PlnsfrLmtdEngLngStdnts
Description: Written plan to outline the steps to prevent discriminatory limitations for Limited English Language students.
Item Instructions: A statement on school site letterhead and signed by the principal may be submitted as evidence.
Related Items: CRR 11

CRR 12: Counseling

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

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Related California Law:

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

Evidence Requests

Academic Assessment Plan

Abbreviation: AcdmcAssmntPln

Description: Academic Assessment plan(s) with a description of assessments administered to assist students with participating in the school site's CTE program.

Item Instructions:

Related Items: CRR 12

Calendar of Counseling and Pre-CTE Activities

Abbreviation: ClndrCnsIngPrCTEActvts

Description: Calendar(s), with dates, outlining all CTE-related counseling activities and any pre-CTE activities.

Item Instructions: Examples include, but are not limited to, new student orientation, open house/welcome events, club rush, informational meetings, parent night, orientation.

Related Items: CRR 12

Counseling Materials

Abbreviation: CnsIngMtrls

Description: Counseling materials which illustrate that all CTE programs and activities are open to all students regardless of gender or disability.

Item Instructions: Materials must include the continuous nondiscrimination notice with required Title IX, Title II and 504 contact information. -Examples include, but are not limited to, course selection sheet(s), course catalog, brochures, flyers, web pages et cetera.

Related Items: CRR 12

Counseling Materials in Other Languages

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Abbreviation:	CnsIngMtrlsOthrLnGs
Description:	Counseling materials which illustrate that all CTE programs and activities are open to all students regardless of gender or disability which have been distributed in primary language of the language minority communities.
Item Instructions:	Materials must include the continuous nondiscrimination notice-with required Title IX, Title II and 504 contact information. Examples include, but are not limited to, course selection sheet(s), course catalog, brochures, flyers, web pages et cetera.
Related Items:	CRR 12

Counseling Plan, Policy, or Procedure

Abbreviation:	CnsIngPlnPlyPrcdr
Description:	Guidance plan, policy, or procedure related to the recipient's CTE program(s).
Item Instructions:	Plan, policy, or procedure must outline CTE program(s) available for students.
Related Items:	CRR 12

Revised Counseling Materials

Abbreviation:	RvsdCnsIngMtrls
Description:	If applicable, counseling materials or activities that have been revised in response to disproportional CTE enrollments.
Item Instructions:	Description of process in place to identify disproportional CTE enrollments.
Related Items:	CRR 12

CRR 13: Student Financial Assistance

- 13.0 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

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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 Appendix B to Part 100 VI.B.; 34 CFR Section 104.46(a); 34 CFR Section 106.37(a–b))

Evidence Requests

Awards, Scholarships, and Other Financial Assistance

Abbreviation:	AwrdsSchlrshpsFnclAstnc
Description:	List of scholarships, awards, and other types of financial assistance awarded to students in the previous academic year.
Item Instructions:	Description of source(s) awarded must be provided on recipient letterhead and signed by the site principal.
Related Items:	CRR 13

Financial Assistance

Abbreviation:	FnclAstnc
Description:	Materials and information which indicates how financial assistance is made available to students.
Item Instructions:	Materials and information must notify students and parents of district or school and external financial assistance opportunities available.
Related Items:	CRR 13

CRR 14: Services for Students with Disabilities

- 14.0 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 Appendix B to Part 100 IV.; 34 CFR Section 104.4(a); 28 CFR Section 35.130(a))
- 14.1 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 Appendix B to Part 100 IV.; 34 CFR Section 104.4(a); 28 CFR Section 35.130(a))

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- 14.2 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))
- 14.3 The recipient must have a system in place for the identification, evaluation, and educational placement of persons who, because of a disability, need or are believed to need special education or related services. Placement decisions must be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation, data, and the placement options. (34 CFR Sections 104.33(b), 104.35(c), and 104.36)
- 14.4 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)
- 14.5 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 Appendix B to Part 100 VI.A; 34 CFR Sections 104.34(a) and (b); 38 CFR Section 35.130(d))
- 14.6 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 Appendix B to Part 100 VI.A.)

Evidence Requests

Aids Available for Students with Disabilities

Abbreviation: AdsAvlBlFrStdntsWthDsblts

Description: A description of related aids and services or auxiliary aids available for students with disabilities at the school site.

Item Instructions:

Related Items: CRR 14

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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).
Item Instructions:
Related Items: CRR 08, CRR 14

Individual Education Plans

Abbreviation: IndvdIEdctnPlns
Description: Sampling of the Individual Education Plans (IEPs) / IDEA. All personally identifying information must be redacted from the submission.
Item Instructions:
Related Items: CRR 14

Outreach to Students with Disabilities

Abbreviation: OtrchToStdntsWthDsblts
Description: Outreach plans for recruiting prospective and enrolled students with disabilities into the CTE program.
Item Instructions: CRR 14: Description or schedule must include outreach planned activities and events for inviting students with disabilities to participate in CTE program(s).
Related Items: CRR 06, CRR 14

Section 504 Plans

Abbreviation: 504Plns
Description: Sampling of the Section 504 Plans (504s) of enrolled students. All personally identifying information must be redacted from submission.
Item Instructions:
Related Items: CRR 14

Procedural Safeguards

Abbreviation: PrcdrlSfgrds

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Description: Procedural Safeguards for Students who are on: (a) 504 plans and / or, an (b) Individualized Education Plan (IEP).

Item Instructions:

Related Items: CRR 14

CRR 15: Accessible Facilities

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

- (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. (34 CFR Section 104.22(a))

15.1 American National Standards Institute (ANSI) – New Construction under 504 (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 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. (34 CFR Section 104.23(a))
- (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.

15.2 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. (28 CFR 35.151(a)(1); 34 CFR 104.23(c)(1))
- (b) Conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR Section 101 19.6). Departures from particular

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technical and scoping requirements permitted where substantially equivalent or greater access to and usability of the building is provided.

15.3 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. (28 CFR Section 36, Appendix D; 34 CFR 104.23(a))
- (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.

15.4 2010 Americans with Disabilities Act (ADA) – New Construction under 504 (28 CFR Section 35; 34 CFR Section 104.23)

- (a) Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity is designed and constructed in such a manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. (28 CFR Section 35; 34 CFR 104.23(a))
- (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

Alteration and Modification Records

- Abbreviation: AltrtnAndMdfctnRcrds
- Description: Alteration and/ or modification records for all buildings/facilities/areas used for the recipient’s CTE program(s).
- Item Instructions: Records associated with CTE program(s) and common usage areas (i.e. – library, cafeteria, auditoriums, restrooms, water fountains, paths of access to CTE buildings et cetera. Alterations are defined as changes or modifications which directly affect access to CTE programs.
- Related Items: CRR 15

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Facilities Review Packet

- Abbreviation: FcltsRvwPckt
- Description: A review of existing facilities to ensure compliance with UFAS/ ANSI/ ADA standards under new or alteration/modification date of construction.
- Item Instructions: Facility packet must be completely filled out, signed, and dated. Download Facilities Review Packet from FPM CRR Box. Facility blueprints may need to be provided in order to verify dates of construction and modifications.
- Related Items: CRR 15

Maintenance Records

- Abbreviation: MntncRcrds
- Description: Maintenance records for all buildings/facilities/areas used for the recipient's CTE program(s).
- Item Instructions: All maintenance records associated with CTE program(s) and common usage areas (i.e. – library, cafeteria, auditoriums, restrooms, water fountains, paths of access to CTE buildings et cetera. Maintenance record which change or enhance the direct access to CTE programs/ building(s)/ classroom(s).
- Related Items: CRR 15

Renovation Schedules

- Abbreviation: RnvtnSchdls
- Description: Renovation schedules for all buildings/facilities/areas used for the recipient's CTE program(s) only.
- Item Instructions:
- Related Items: CRR 15

Site and Floor Plans

- Abbreviation: StFlrPlns
- Description: CRR 15: Legible site plan of school which identifies CTE classes, paths of travel to and from CTE classes, number of general and disabled parking, and common usage areas – i.e. – library, cafeteria, auditoriums, restrooms, water fountains, and paths of access to all buildings.

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Item Instructions: Site plans must clearly indicate the required information.

Related Items: CRR 15, 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) and common usage areas (i.e. – library, cafeteria, auditoriums, restrooms, water fountains, paths of access to CTE buildings et cetera.

Item Instructions:

Related Items: CRR 15

CRR 16: Comparable Facilities

- 16.0 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* Appendix B to Part 100 VI.A.; 34 *CFR*. Section 104.34(c))
- 16.1 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* Appendix B to Part 100 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).

Item Instructions: Demographics data must be categorized by CTE program(s) with the number of students enrolled by sex.

Related Items: CRR 16

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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:	Floorplan must show facilities for students of one sex are as comparable to students of another sex.
Related Items:	CRR 16

Site and Floor Plans

Abbreviation:	StFlrPlns
Description:	CRR 16: Legible site plan of school which identifies CTE classes, paths of travel to and from CTE classes, floor plans of showers, restrooms, lockers rooms.
Item Instructions:	Site plans must clearly indicate the required information.
Related Items:	CRR 15, CRR 16

CRR 17: CTE Facility Site Selection

- 17.0 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* Appendix B to Part 100 IV.B.)
- 17.1 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* Appendix B to Part 100 IV.B.)

Related California Law:

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:	DmgrpchsSrndngCmnts
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- Description: Demographics of the surrounding communities within the CTE program(s) boundaries.
- Item Instructions: Demographics must include information regarding race, and national origin. U.S. Census data must be included in the submission.
- Related Items: CRR 17

Maps Showing Location of CTE Facilities

- Abbreviation: MpsShwngLctnsCTEFclts
- Description: Map of all CTE facilities on and off campus.
- Item Instructions: Must identify the location(s) of all CTE facilities.
- Related Items: CRR 17

CRR 18: Modifications/Alterations

- 18.0 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* Appendix B to Part 100 IV.D.)

Related California Law:

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: MpsShwngLctnsMdfdCTEFclts
- Description: Map identifying the location of modified/altered CTE facilities. Include the name of building(s), date(s) of modification(s), and identify all CTE classrooms.
- Item Instructions: Site map must identify locations of modified/altered CTE facilities.
- Related Items: CRR 18

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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:	Demographics must include student’s race, sex, disability, and national origin.
Related Items:	CRR 18

CRR 19: Work-Study, Cooperative Education, Job Placement and Apprenticeship Training

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

Evidence Requests

Apprenticeship Program Policy/Procedure

Abbreviation: AprntcshpPrgmPlcyPrcdr

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- Description: Recipient’s policy or procedure related to CTE apprenticeship programs.
- Item Instructions: Policy or procedure must contain an assurance of nondiscrimination in a written agreement with a labor union or other sponsor providing apprenticeship training.
- Related Items: CRR 19

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

- Abbreviation: EnrlmntDtaWrkStdyJbPcmntAprntcTrnngPrgrms
- Description: Enrollment and placement data categorized by pathway for work-study, cooperative education, job placement, and apprentice training programs.
- Item Instructions: Demographic data must include the demographics of race, color, sex, disability, national origin. Data must not include student’s personally identifying information, such as name and identification number.
- Related Items: CRR 19

Workplace Agreements

- Abbreviation: WrkplcAgrmnts
- Description: Workplace agreements, hours of work, and student job assignments. Workplace agreements must contain notice of nondiscrimination and be signed by both the recipient and the employer.
- Item Instructions: Copy of company’s workplace agreement(s) with the school site which describes the conditions and requirements to be met by all participants. The company’s nondiscrimination statement must be comparable to that of the school sites and be publicized on workplace agreement.
- Related Items: CRR 19

CRR 20: Employment Practices

- 20.0 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-

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employment inquiries concerning disability, marital, or parental status. (34 *CFR* Section 100.3(c); 34 *CFR* Sections 106.51, 106.57, and 106.60; 34 *CFR* Sections 104.13 and 104.14; 34 *CFR* Appendix B to Part 100 VIII.A.)

- 20.1 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* Appendix B to Part 100 VIII.B.)
- 20.2 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 104.12; 34 *CFR* Appendix B to Part 100 VIII.D.)
- 20.3. 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* Appendix B to Part 100 VIII.E.)

Related California Law:

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, protective hairstyles, religion, sexual orientation, reproductive health decision-making, 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 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 20

Employee Handbook(s)

- Abbreviation: EmplHndbks
- Description: Employee handbook(s).

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Item Instructions: CRR 20: Handbook(s) must include the: (a) nondiscrimination notice with the Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number, (b) employee nondiscrimination policy, and (c) employee reasonable accommodation process.

Related Items: CRR 01, CRR 03, CRR 04, CRR 05, CRR 20

Employment Recruitment Materials

Abbreviation: EmplmntRcrtmntMtrls

Description: Recipient's employment recruitment materials.

Item Instructions: If applicable, submit recruitment / advertising flyers, brochures, website postings; email notifications regarding open positions, contact letters, etc.

Related Items: CRR 20

Employment Recruitment Policies and Procedures

Abbreviation: EmplmntRcrtmntPlcsPrcdrs

Description: Recipient's employment recruitment policies and procedures for certificated and classified positions.

Item Instructions:

Related Items: CRR 20

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 for certificated and classified positions.

Item Instructions:

Related Items: CRR 20

Job Announcements

Abbreviation: JbAncmnts

Description: Sample job announcements for classified and certificated positions.

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Item Instructions: Announcement(s) must include the nondiscrimination notice with the Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number.

Related Items: CRR 20

Job Applications

Abbreviation: JbAplctns

Description: Sample job applications for classified and certificated positions.

Item Instructions: Application(s) must include the nondiscrimination notice with the Title IX Coordinator(s) name/title, address, phone number, and email address and Title II and 504 Coordinators name/title, address, and phone number.

Related Items: CRR 20

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: Include reasonable accommodations policy and procedure.

Related Items: CRR 20

Salary Scales and Related Policy

Abbreviation: SlryScsRltdPlcy

Description: Recipient's faculty and non-faculty salary scales and related policy.

Item Instructions: Salary scales to include policy and /or collective bargaining contract.

Related Items: CRR 20