Civil Rights Equity and Civil Rights

**LEA Program Monitor Date**

*For resources and sample materials for each item on the Civil Rights Checklist, visit:* [*www.k12.wa.us/Equity/LEAs/ConsolidatedProgramReview.aspx*](http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx)*. The Consolidated Program Review monitors a local education agency’s implementation of critical requirements under state or federal law – it is not an audit or an investigation. A determination of “Compliant” indicates that the reviewer did not identify noncompliance issues related to the specific item number during the review. A “Compliant” determination does not guarantee that the LEA has complied with all requirements under state and federal law.*

| **Item** | **Description** | **Evidence to Submit** | **Determination** |
| --- | --- | --- | --- |
| 14.1 | **Compliance Coordinators**  *The LEA has designated at least one employee to coordinate and monitor the LEA’s compliance with its responsibilities under Section 504, Title IX, and state nondiscrimination laws. The Section 504, Title IX, and Civil Rights Coordinators have received training regarding their responsibilities under these laws.*  [*Sample job descriptions and training materials*](http://www.k12.wa.us/Equity/Districts/ComplianceCoordinators.aspx)*:* [*http://www.k12.wa.us/Equity/Districts/ComplianceCoordinators.aspx*](http://www.k12.wa.us/Equity/Districts/ComplianceCoordinators.aspx)  *Title IX, 34 C.F.R. Sec.106.8; Section 504, 34 C.F.R. Sec.104.7; Title II, 28 C.F.R. Sec.35.107; RCW 28A.640.010 and 28A.642.010; WAC 392-190-020 and 392-190-060.* | LEA Level  ⧠ A. Name and title for each of the following:   * Section 504 Coordinator * Title IX Officer * Civil Rights Coordinator   *(CPR monitors may cross reference with OSPI coordinator* [*contact list*](http://www.k12.wa.us/Equity/ContactList.aspx)*).*  ⧠ B. Evidence that the Section 504 Coordinator, Title IX Officer, and Civil Rights Coordinator have received training regarding their responsibilities. Evidence could include training materials, certificates of attendance, agendas, attestations of self-training (e.g., lists of materials reviewed or webinars viewed on OSPI’s Equity and Civil Rights website), etc.  **Building Level**  ⧠ C. *On-Site Only:* Building staff can identify the LEA’s Section 504, Title IX, and Civil Rights Coordinators. | ⧠ Compliant  ⧠ Action Plan Approved  ⧠ Evidence Needed  ⧠ Noncompliant  ⧠ N/A |
| 14.2 | **Nondiscrimination Statement**  *The LEA provides continuous notice that it does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender expression, gender identity, creed, religion, age, veteran or military status, disability, or the use of a trained dog guide or service animal by a person with a disability, and provides equal access to the Boy Scouts and other designated youth groups. The nondiscrimination statement includes the name or title, phone number, email address, and mailing address of the LEA’s current Section 504 Coordinator, Title IX Officer, and Civil Rights Coordinator. The nondiscrimination statement is included in all major LEA and building publications that are widely disseminated to students, parents, or employees.*  *[Sample nondiscrimination statement: http://www.k12.wa.us/Equity/Districts/NondiscriminationStatement.aspx](\\\\k12.internal\\shares\\Agency Data\\Federal Program Assistance Team\\CPR Consolidated Program Review\\2016-2017\\Checklists\\Sample nondiscrimination statement: http:\\www.k12.wa.us\\Equity\\Districts\\NondiscriminationStatement.aspx)*  *Title VI, 34 C.F.R. Sec.100.6; Title IX, 34 C.F.R. Sec.106.9; Section 504, 34 C.F.R. Sec.104.8; Title II, 28 C.F.R. Sec.35.106; Boy Scouts Act, 34 C.F.R. Sec.108.6; RCW 28A.640.010 and 28A.642.010; WAC 392-190-060.* | LEA or Building Level  Each of the following documents that contains a nondiscrimination statement with all required components. Please upload only the relevant page(s) or indicate the page number where the statement is located:  ⧠ A. Website  ⧠ B. Newsletter  ⧠ C. Student/parent handbook or a similar publication.  ⧠ D. Job announcement or employment application.  ⧠ E. Career and Technical Education publication, announcement, or recruitment materials (if the LEA has a CTE program)—*please indicate if the district does not have a CTE program*.  ⧠ F. Online or ALE program publication, announcement, or recruitment materials (if the LEA has an online or ALE program)—*please indicate if the district does not have an online or ALE program*. | ⧠ Compliant  ⧠ Action Plan Approved  ⧠ Evidence Needed  ⧠ Noncompliant  ⧠ N/A |
| 14.3 | **Complaint Procedures: Discrimination and Sexual Harassment**  *The LEA has adopted discrimination complaint and appeal procedures and a sexual harassment policy and procedure that are consistent with the requirements in state law (chapter 392-190 WAC, revised December 2014). The LEA annually notifies all students, parents, and employees about the discrimination complaint procedure and sexual harassment policy. LEAs that do not provide student or employee handbooks otherwise provide written information about the LEA's sexual harassment policy and complaint procedure to each student, parent or guardian, employee, and volunteer. The LEA’s sexual harassment policy is also posted in each school building in a location visible to both students and staff.*  *The LEA has provided training to all administrators and certificated and classroom personnel regarding their responsibilities under civil rights laws and to raise awareness of and eliminate bias based on sex, race, creed, religion, color, national origin, veteran or military status, sexual orientation, gender expression, gender identity, disability, and the use of a trained dog guide or service animal.*  [*Online resources, complaint procedure, student handbook language*](http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx)*, and sample poster:*  [*http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx*](http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx)  *Title IX, 34 C.F.R. Sec.106.8; Section 504, 34 C.F.R. Sec.104.7; Title II, 28 C.F.R. Sec.35.107; RCW 28A.640.010. 28A.640.020, and 28A.642.010; WAC 392-190-056, WAC 392-190-057, WAC 392-190-058, WAC 392-190-060, 392-190-065, 392-190-070, and 392-190-075.* | LEA Level  ⧠ A. LEA’s nondiscrimination policy and procedure for students (WSSDA’s 3210/3210P or equivalent).  ⧠ B. LEA’s nondiscrimination policy and procedure for employees (WSSDA’s 5010/5010P or equivalent).  ⧠ C. LEA’s sexual harassment policy and procedure for students (WSSDA’s 3205/3205P or equivalent).  ⧠ D. LEA’s sexual harassment policy and procedure for employees (WSSDA’s 5011/5011P or equivalent).  LEA or Building Level  Each of the following publications that include information about the sexual harassment policy and discrimination complaint procedures (please upload only the relevant page(s) or indicate the page number where the information is located):  ⧠ E. Student handbook or similar publication.  ⧠ F. Employee handbook or similar publication.  ⧠ G. Evidence that all administrators and certificated and classroom personnel have received training regarding civil rights compliance, including employee responsibilities to report and respond to discrimination and the LEA’s discrimination complaint procedures. Evidence could include training materials, meeting minutes, sign-in sheets, certificates of attendance, agendas, etc.  Building Level  ⧠ H. Evidence that the OSPI Sexual Harassment Poster or the LEA’s sexual harassment policy is posted in all school buildings in a location visible to both students and staff. Evidence could include photos of postings, signed statement from Superintendent or designee assuring posting, or visual inspection by OSPI staff for on-site reviews. | ⧠ Compliant  ⧠ Action Plan Approved  ⧠ Evidence Needed  ⧠ Noncompliant  ⧠ N/A |
| 14.4 | **Section 504**  *The LEA identifies, evaluates, and places students with disabilities in compliance with Section 504 and has implemented the new legal standards under the ADA Amendments Act of 2008 (such as changes regarding major life activities, mitigating measures, etc.). The LEA receives parental consent before all initial evaluations and initial placements under Section 504. The LEA provides parents with prior written notice, including notice of procedural safeguards, when any actions are taken regarding identification, evaluation, or educational placement under Section 504. Evaluation and placement decisions are made by a group of persons, including persons who are knowledgeable about the student, the meaning of the evaluation data, and placement options. The LEA provides all necessary accommodations, related aids, and services for students with disabilities, including students with health conditions who may also be served by a health plan.*  *[Sample notice of parent rights and other online resources: http://www.k12.wa.us/Equity/Section504.aspx](\\\\k12.internal\\shares\\Agency Data\\Federal Program Assistance Team\\CPR Consolidated Program Review\\2016-2017\\Checklists\\Sample notice of parent rights and other online resources: http:\\www.k12.wa.us\\Equity\\Section504.aspx)*  *Section 504, 34 C.F.R. Part 104; RCW 28A.642.010.* | LEA or Building Level  ⧠ A. The LEA’s notice of Section 504 parent rights/procedural safeguards.  Building Level  ⧠ B. Section 504 plan documentation including the following: parent consent for initial evaluation, evaluation documentation, parent consent for initial placement, Section 504 plans, and evidence of manifestation determination meetings (if applicable).   * For *on-site reviews*, the CPR monitor will review student files at buildings visited. * For *desk reviews*, upload documentation from *two* students at an elementary school, middle/junior high school, high school, ALE or online program, and alternative school, where applicable. | ⧠ Compliant  ⧠ Action Plan Approved  ⧠ Evidence Needed  ⧠ Noncompliant  ⧠ N/A |
| 14.5 | **Interpretation and Translation Services**  *The LEA communicates with all limited-English proficient parents (LEP) in a language they can understand. This includes providing qualified and competent adult interpreters to communicate with LEP parents and translating vital documents when a significant percentage of the population in a school or LEA needs the information in a language other than English. If there is a small number of parents with particular language needs, or if a school or LEA is unable to translate a document because of undue expense, the LEA still provides the information to parents in a language they can understand, such as an oral translation of a document using an interpreter.*  *The LEA should ensure that interpreters and translators have knowledge in both languages of any specialized terms or concepts to be used in the communication at issue and are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality. Bilingualism, or the ability to communicate directly with LEP parents in a different language, does not solely qualify a staff member to serve as an interpreter or translator.*  [*Online resources, translation and phone interpretation providers, and sample translated documents*](http://www.k12.wa.us/Equity/Interpretation.aspx)*: http://www.k12.wa.us/Equity/Interpretation.aspx*  *Title VI, 34 C.F.R. Sec.100.3; Lau v. Nichols, 414 U.S. 563 (1974); RCW 28A.642.010.* | *All LEAs*  *Submit this item even if the LEA has not identified any limited-English proficient (LEP) parents.*  LEA or Building Level  ⧠ A. Evidence or a description of the process the LEA uses to identify LEP parents, including a home language survey or questions about home language on a student enrollment form.  *LEAs with One or More LEP Parent*  *If a LEA has identified LEP parents, the LEA must complete the following items.*  LEA or Building Level  ⧠ B. A description of the process the LEA uses to ensure that interpretation and translation services are provided to communicate vital information with LEP parents, including at least the following:   1. How the LEA determines when interpretation services are needed. 2. How the LEA determines which documents need to be translated. 3. How the LEA determines which language(s) to translate documents into. 4. How the LEA ensures its staff are informed about to how to access interpreters or translators to communicate with LEP parents.   ⧠ C. A description of the process the LEA uses to ensure that interpreters and translators, including LEA or school employees who perform this role, are qualified and competent to serve in the role of an interpreter or to translate documents.  ⧠ D. N/A – The LEA has not identified any LEP families (applies to B and C). | ⧠ Compliant  ⧠ Action Plan Approved  ⧠ Evidence Needed  ⧠ Noncompliant  ⧠ N/A |
| 14.6 | **English Language Development Services**  *The LEA provides English language development services to English Language Learners (ELL)—national origin minority students with limited-English proficiency. The LEA has a process to identify, assess, and place ELL students, which includes a home language survey and provisions for testing students on the* state language proficiency assessment*. The LEA’s English language development services are based on a sound educational theory and have been implemented effectively, including qualified staff and adequate resources and facilities. The LEA evaluates the program’s effectiveness and makes modifications as needed.*  [*Online resources and tools*](http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx)*: http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx*  *Title VI, 34 C.F.R. Sec.100.3; Lau v. Nichols, 414 U.S. 563 (1974); Castañeda v. Pickard, 648 F.2d 989 (5th Cir. 1981); Chapter 28A.642 RCW and 392-190 WAC.* | LEA Level  *For LEAs that receive Title III or TBIP funding, documentation is reviewed under Title III/TBIP, but may also be reviewed for this item—no additional documentation is required.*  *All LEAs that do NOT receive Title III or TBIP funding must complete the following items:*  LEA or Building Level  ⧠ A. Evidence that the LEA identifies the language background of each student upon enrollment (including the first language learned, the language the student uses most often, and the language used in the home). Evidence can include a home language survey or student enrollment form with the required questions.  ⧠ B. Assessment and placement procedures for English language development services—including testing on the state language proficiency assessment and criteria for determining eligibility and exit.  ⧠ C. Roster of eligible ELL students, indicating language proficiency level and the type and amount of English language development services provided for each student. *Please indicate if the LEA has not identified any ELL students.*  *If no ELL students have been identified, no documentation required for D, E, F, or G.*  ⧠ D. A list of all teachers who design, oversee, and evaluate English language development services. For each teacher listed, provide their qualifications to provide ELL services, such as ELL/ESL endorsement or ongoing training relating to the delivery of ELL services.  ⧠ E. A list of all paraeducators who assist in providing English language development services. For each paraeducator listed, provide evidence that they instruct under the direct supervision of a qualified teacher and receive ongoing training relating to the delivery of ELL services.  ⧠ F. Student files with completed home language survey, placement test, and annual language proficiency assessment score sheets.   * For *on-site reviews*, upload documentation from *two* students at each of the buildings selected for review and any ALE or online program, where applicable. * For *desk reviews*, upload documentation from *two* students at an elementary school, middle/junior high school, high school, ALE or online program, and alternative school, where applicable.   ⧠ G. Evidence of evaluation of the effectiveness of the LEA’s English language development services (e.g., progress made in language acquisition and academic achievement, feedback from teachers and parents, meeting minutes, etc.).  ⧠ H. N/A – The LEA has not identified any ELL students (applies to C, D, E, F, and G). Please Add Comment to this item clearly stating grounds for N/A. | ⧠ Compliant  ⧠ Action Plan Approved  ⧠ Evidence Needed  ⧠ Noncompliant  ⧠ N/A |
| 14.7 | **National Origin and Immigration Status**  *The LEA accepts a variety of documents to establish a student’s age and residency. It does not discourage or prevent a student from enrolling because he or she lacks a birth certificate or has records indicating a foreign place of birth.*  *The LEA does not inquire about a student or parent’s U.S. citizenship status or immigration status. If the LEA requests a student’s or parent’s social security number, the LEA (1) informs the individual that disclosure is voluntary, (2) provides the statutory or other legal basis for why the LEA is requesting the number, and (3) explains how the LEA will use the number.*  [*Online resources and tools*](http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx)*: http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx*  *Title VI, 34 C.F.R. Sec.100.3; RCW 28A.642.010; Plyler v. Doe, 457 U.S. 202 (1982).* | LEA or Building Level  ⧠ A. All LEA or building student enrollment forms, packets (including cover sheets), and any registration information on the LEA’s website in English and any translated versions the LEA uses. | ⧠ Compliant  ⧠ Action Plan Approved  ⧠ Evidence Needed  ⧠ Noncompliant  ⧠ N/A |
| 14.8 | **Course and Program Enrollment**  *The LEA does not discriminate in the counseling and guidance of students. The LEA at least annually reviews disaggregated course and program enrollment data to identify potential disparities based on sex, race, ELL status, and disability (special education and Section 504). The review should include honors and advanced placement courses, career and technical education, highly capable programs, online programs, specialized programs, etc. If a disparity is identified, the LEA takes action to ensure it is not the result of discrimination.*  [*Online resources and tools*](http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx)*, including sample data worksheets: http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx*  *Title IX, 34 C.F.R. Sec.106.36; Section 504, 34 C.F.R. Sec.104.34; Title VI, 34 C.F.R. Sec.100.3; RCW 28A.640.020 and 28A.642.010; WAC 392-190-010.* | LEA or Building Level  ⧠ A. A description of the process the LEA uses to annually review disaggregated course and program enrollment data at each building to identify potential disparities based on sex, race, ELL status, and disability.  ⧠ B. Evidence of implementation of the above process for the 2016–17 or 2017–18 school year. Evidence can include a summary of disaggregated data and analysis, completed course and program enrollment data worksheets, meeting minutes, etc.  ⧠ C. If disparities were identified, describe the LEA’s plan to address the disparity and provide evidence that the LEA is implementing the plan, such as evidence of a root cause analysis and a review of counseling practices, identification and selection of students, recruitment materials and strategies, course scheduling, etc.  ⧠ D. N/A – No disparities were identified (applies to C). Please Add Comment to this item clearly stating grounds for N/A *(CPR monitors may cross reference with OSPI course enrollment data).* | ⧠ Compliant  ⧠ Action Plan Approved  ⧠ Evidence Needed  ⧠ Noncompliant  ⧠ N/A |
| 14.9 | **Student Discipline**  *The LEA does not discriminate in the discipline of students. The LEA at least annually reviews disaggregated discipline data, including suspensions and expulsions, to identify potential disparities based on sex, race, ELL-status, and disability (special education and Section 504). If a disparity is identified, the LEA takes action to ensure it is not the result of discrimination.*  [*Discipline data, analytics, resources, and tools*](http://www.k12.wa.us/StudentDiscipline/Equity/default.aspx)*: http://www.k12.wa.us/StudentDiscipline/Equity/default.aspx*  *Title VI, 35 C.F.R. Sec.100.3; Section 504, 34 C.F.R. Sec.104.4; Title IX; 34 C.F.R. Sec.106.31; RCW 28A.640.010; RCW 28A.642.010; and WAC 392-190-048.* | LEA or Building Level  ⧠ A. A description of the process the LEA uses to annually review disaggregated student discipline data at each building to identify potential disparities based on sex, race, ELL status, and disability.  ⧠ B. Evidence of implementation of the above process for the 2016–17 or 2017–18 school year. Evidence can include a summary of disaggregated data and analysis, meeting minutes, etc.  ⧠ C. If disparities were identified, describe the LEA’s plan to address the disparity and provide evidence that the LEA is implementing the plan, such as evidence of a root cause analysis and review of disciplinary policies and practices.  ⧠ D. N/A – No disparities were identified (applies to C). Please Add Comment to this item clearly stating grounds for N/A *(CPR monitors may cross reference with OSPI discipline data).* | ⧠ Compliant  ⧠ Action Plan Approved  ⧠ Evidence Needed  ⧠ Noncompliant  ⧠ N/A |
| 14.10 | **Accommodating Student Interests and Abilities**  *Each building that offers an athletic program equally accommodates the interests and abilities of male and female students as demonstrated in one of the following ways:*   1. *The ratio of male/female student enrollment is substantially proportionate to the ratio of male/female athletic participation,* 2. *The school has a history and continuing pattern of program expansion for the underrepresented sex, or* 3. *The school’s current program fully and effectively accommodates the interests and abilities of the underrepresented sex as demonstrated by the athletic interest survey and other requests for specific sports.*   *The LEA administers the OSPI student athletic interest survey at least once every three years at each building that offers athletics. Survey results are disaggregated and analyzed by sex and by building. The LEA considers the results of the survey when planning and developing recreational and athletic activities offered within the LEA and when determining whether equal opportunities are available to members of both sexes.*  [*Athletic opportunities worksheet and online resources*](http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx)*:* [*http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx*](http://www.k12.wa.us/Equity/Districts/ConsolidatedProgramReview.aspx)  [*Athletic interest survey tool*](http://www.k12.wa.us/Equity/Districts/AthleticInterestSurvey.aspx) *and online resources: http://www.k12.wa.us/Equity/Districts/AthleticInterestSurvey.aspx*  *Title IX, 34 C.F.R. Sec.106.41; RCW 28A.640.020; WAC 392-190-030, 392-190-035, 392-190-040, and 392-190-045.* | LEA or Building Level  *If your LEA* *operates, sponsors, or provides interscholastic athletics, submit the following items.*  ⧠ A. Complete and submit the CPR athletic opportunities Excel worksheet. Download the file with the worksheet and instructions here: <http://www.k12.wa.us/Equity/pubdocs/AthleticOpportunitiesTool.xlsx>.   * *For on-site reviews*, upload information for each high school and middle/junior high school selected for review. * *For desk reviews*, upload information for any *two* high schools and *two* middle/junior high schools.   ⧠ B. The student athletic interest survey instrument and the date it was last administered.  ⧠ C. The athletic interest survey results for each building, *disaggregated by sex*, including at a minimum:   1. The number of students surveyed. 2. The number of students enrolled (eligible to take the survey). 3. The top sports requested, including the number of students who expressed interest in each sport. 4. The top reasons for non-participation.   ⧠ D. N/A – No Athletics | ⧠ Compliant  ⧠ Action Plan Approved  ⧠ Evidence Needed  ⧠ Noncompliant  ⧠ N/A |
| 14.11 | **Annual Athletic Evaluation**  *The LEA provides equal opportunities and benefits for male and female students to participate in athletics. Each building that offers an athletic program conducts an annual* *evaluation of its athletic program to ensure that the overall benefits and treatment of the boys’ and girls’ athletic programs are comparable, considering the following factors:*   * *Accommodation of interests and abilities* * *Coaching and tutoring* * *Equipment and supplies* * *Scheduling* * *Facilities* * *Medical services and training* * *Publicity and awards* * *Travel and per diem*   *Outside sources of funding and donations are acceptable, so long as they do not result in disparities between the girls’ and boys’ programs. If fundraising or donations result in an inequity along gender lines, the LEA must correct it using its own funds if needed.*  [*Athletic evaluation worksheets and online resources*](http://www.k12.wa.us/Equity/Athletics.aspx)*: http://www.k12.wa.us/Equity/Athletics.aspx*  *Title IX, 34 C.F.R. Sec.106.41; RCW 28A.640.020; WAC 392-190-030, 392-190-035, 392-190-040, and 392-190-045.* | LEA or Building Level  *If your LEA* *operates, sponsors, or provides interscholastic, club or intramural athletics, submit the following items.*  ⧠ A. Evidence that the LEA annually evaluates the girls’ and boys’ athletic programs at each building, considering each of the required factors. Evidence can include dated and completed team, building, and LEA worksheets, available on OSPI’s Equity & Civil Rights website.  ⧠ B. If the athletic evaluation for the 2016–17 school year identified disparities that favor one sex at any building, provide a description of the LEA’s plan to address the disparity and evidence of implementation. Evidence can include meeting minutes, emails, reports, etc. *If no disparities identified, please Add Comment to this item clearly stating grounds for N/A.*  ⧠ C. A description of the LEA’s process to ensure that athletic fundraising, donations, and booster clubs do not result in disparities that favor one sex over another. The description could include a booster club and fundraising policy with explicit consideration of sex equity, the LEA’s process to balance funding between girls’ and boys’ programs, etc.  ⧠ D. N/A – No Athletics | ⧠ Compliant  ⧠ Action Plan Approved  ⧠ Evidence Needed  ⧠ Noncompliant  ⧠ N/A |