

Equity Document Review Checklist and Non-Regulatory Guidance for School Districts 2019-2020 Equity Visits

Documents for Desk Audit

Items included within the “Desk Audit: Items for Electronic Submission” section are to be submitted by the district in electronic format to the equity team leader for review at the Department **two weeks** prior to the visit. Electronic documents will be submitted to a dedicated Google site unless prior arrangements are made with the team leader.

- Whether or not the submitted items meet compliance requirements will be determined as of the date of submission.
- Electronic submission documents should be labeled by the corresponding item numbers/letters (e.g., I.A.1) on the checklist.

Guidance Regarding All Board Policies:

The Iowa Association of School Boards (IASB) sample policies indicated below are provided as a reference only. While it is common to find districts that use this service from IASB, there is no requirement that a district do so. If a district does use the IASB samples, care should be taken to “localize” the content to assure alignment with district practices.

Desk Audit: Items for Electronic Submission

Section I: Administrative Requirements

A. Annual Notice of Nondiscrimination

1. _____ Equal opportunity in programs is provided to all students regardless of race, color, national origin, sex, sexual orientation, gender identity, marital status, socioeconomic status, disability, religion, or creed. *281—IAC 12.1(1), Iowa Code 280.3*

Evidence:

District and administrative policies regarding student access to educational programs (policies **must** address each of the 11 traits/characteristics)

Related IASB Sample Policies: 102 and 500 (last updated, 2015)

2. _____ Policy on nondiscrimination in employment on the basis of race, color, national origin, sex, disability, age, religion, creed, sexual orientation, and gender identity. *Title IX 34CFR 106.9 Section 504 34 CFR 104.8, Iowa Code 216.6*

Evidence:

District and administrative policies regarding employment (policies **must** address each of the 10 traits/characteristics)

Iowa Department of Education

2019-20 Equity Visits

Version: 6.25.19

IASB Sample Policies: 302.1, 303.2, 401.1, 405.2, 411.2 (last updated 2015)

3. _____ Annual notification in newspaper, newsletter or website that goes to all community folks (including copies in other languages). *Section 504 34 CFR 104.8, Title IX 34 CFR 106.9, OCR Guidelines IV.O and V.C.*

Evidence must include:

_____ Copy of annual notice of nondiscrimination (IASB Sample 102 series)

_____ Documentation of when, where and how it was published prior to the beginning of the school year

_____ Provide copy in additional languages if available.

Section IV-O of the OCR Guidelines for Eliminating Discrimination in Vocational Education Programs of 1979 requires recipients of federal funding operating vocational education programs to provide an annual notice of nondiscrimination prior to the beginning of each school year to students, parents, employees, and the general public.

The annual notice of nondiscrimination must include a brief summary of the recipient's career and technical education (CTE) program offerings and admissions criteria for CTE programs. It shall also include all of the protected classes; the name, title, address, telephone number and email address of person(s) designated to coordinate Title IX and Section 504 compliance; and the district's grievance procedure. Announcement of this policy of nondiscrimination must be published in forums that will allow the entire public to view it, in at least one of the following:

- Local newspapers
- District publications
- District website, and/or other media that reach the general public, including program beneficiaries, national origin persons with limited English language skills, and persons with disabilities.

If the district/agency's service area contains a community of national origin minority persons with limited English language skills, the annual notice must be disseminated to that community in its language and state that recipients will take steps to assure that the lack of English language skills will not be a barrier to admission and participation in the recipient's CTE programs.

If the district chooses to publish the annual notice on the district website, the notice must appear prominently on the home page or within one click on an obvious link (i.e., Equity or Nondiscrimination tab). If the district chooses to publish the annual notice solely on the website, the district must be reasonably assured that most community members have access to the Internet.

Program offerings and areas of study are defined as the six service areas:

- Agricultural, Food, and Natural Resources
- Applied Science, Technology, Engineering, and Manufacturing
- Arts, Communication, and Information Systems
- Business, Finance, Marketing, and Management
- Health Science
- Human Services

The nondiscrimination notification statement must reflect the protected classes included within the district's equal opportunity in programs (student) and nondiscrimination in employment policies, which also address Iowa Civil Rights legislation requirements. These include race, color, age, national origin, sex, sexual orientation, gender identity, marital status (for programs), socioeconomic status (for programs), disability, religion, and creed. The notification must include a statement that the district has a grievance procedure for processing complaints of discrimination as well as the name, title, address and telephone number of the equity coordinator(s). If the district's service area contains a community of national origin minority persons with limited English language skills, public notification materials must be disseminated to that community in its language.

Sample Annual Notice of Nondiscrimination Policy Statement:

The notice shall include:

The [Name of district] offers career and technical programs in the following service areas:
[List CTE Service Areas]

It is the policy of the [Name of district] Community School District not to discriminate on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices. There is a grievance procedure for processing complaints of discrimination. If you have questions or a grievance related to this policy please contact the district's Equity Coordinator, Name, Title, Address, Phone Number, E-mail Address.

For further guidance, visit the Iowa Department of Education website - [Equity Guidance](#)

B. Continuous Notice of Nondiscrimination

1. _____ b. Nondiscrimination notification in major written publications: Continuous notification in website, school newsletters, parent, student, employee handbooks, registration handbook, coaches' handbooks, and brochures about the district (**EQD3**). *Section 504 34 CFR 104.8, Title IX 34 CFR 106.9, OCR Guidelines IV-O and V.C.*

Guidance:

Title IX, Section 504, and Title II regulations require that notices of nondiscrimination be made on a continuous basis. All recipients must implement specific and continuing steps to notify:

- Students and parents
- Employees
- Applicants for admission and employment
- Sources of referral of such applicants
- Unions with collective bargaining agreements
- Participants, beneficiaries, and applicants, including persons with impaired vision and/or hearing

The continuous notice of nondiscrimination must include all of the protected classes; the name, title, address, telephone number and email address of person(s) designated to coordinate Title IX and Section 504 compliance; and the district's grievance procedure. Continuous notice requirements may be met by prominently publishing the nondiscrimination statement in:

- Announcements
- Bulletins
- District publications
- District website and electronic publications
- Job Application form
- Local newspapers
- Newsletters
- Publications containing general information
- Registration materials
- School calendar/planner
- Staff, student, parent and coaches' handbooks
- Workplace based learning program contracts
- Written materials distributed to students and prospective students

If the district/agency's service area contains a community of national origin minority persons with limited English language skills, the annual notice must be disseminated to that community in its language and state that recipients will take steps to assure that the lack of English language skills will not be a barrier to admission and participation in the recipient's CTE programs.

It is best practice to post the continuous notice on the district website. The notice must appear prominently on the home page or within one click on an obvious link (i.e., Equity or Nondiscrimination tab).

Sample Continuous Notification of Nondiscrimination Policy Statement:

The notice shall include:

It is the policy of the [Name of District] Community School District not to discriminate on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices. There is a grievance procedure for processing complaints of discrimination. If you have questions or a grievance related to this policy please contact the district's Equity Coordinator, Name, Title, Address, Phone Number, E-mail Address

Evidence: District website, upload, or provide link to the online version, any publications noted above

For further guidance, visit the Iowa Department of Education website - [Equity Guidance](#)

C. Designation of Coordinator

1. _____ Appointment of district equity, Title IX, Section 504 and Title II coordinators including names(s), telephone number(s) and email address(es).
OCR Guidelines Section IV.O; 34 C.F.R. §§104.7(a) and 106.8(a); 28 C.F.R. § 35.107(a)

Evidence:

Board minutes or other documentation indicating appointment of equity coordinator(s), and/or job description(s) of individual(s) identified to conduct equity coordinator functions.

2. _____ Summary of activities conducted by the district's equity coordinator(s), including having received training in the role and function of the equity coordinator and training on sexual harassment.
OCR Guidelines Section IV.O; 34 C.F.R. §§104.7(a) and 106.8(a); 28 C.F.R. § 35.107(a)

Evidence:

The summary **may** include evidence of the following:

- _____ Agendas and minutes of School Improvement Advisory Committee and/or the Equity Committee
- _____ Communication with administrators
- _____ Communication with parents
- _____ Communication with staff
- _____ Communication with students
- _____ Diversity on advisory committees
- _____ Documentation of annual review and distribution of disaggregated attendance center, course program enrollment, and extracurricular activity data
- _____ Documentation of having received training on role and responsibilities
- _____ Documentation of having received training on sexual harassment
- _____ Documentation of processed grievances
- _____ Equity-related professional development
- _____ Information on district website
- _____ Reports to school board
- _____ Results of school climate survey

D. Grievance Procedures

1. _____ Civil rights grievance policies and procedures (used for discrimination and harassment) (include copies of grievance forms) must be adopted and published. *34 C.F.R. §§104.7(b) and 106.8(b); 28 C.F.R. § 35.107(b)*

Evidence:

Procedures **must** be adopted by the board, include all of the protected classes, and include:

- _____ If voluntary informal mechanisms (e.g. mediation) for resolving some types of complaints if the parties agree to do so are included, is it clear that step can be skipped especially in the case of sexual violence
- _____ Notification to complainant of the right to end the informal process at any time
- _____ Application of the procedures to complaints alleging discrimination carried out by employees, other students, or third parties
- _____ Methods for notifying students, parents, and employees of the procedures, including where complaints may be filed
- _____ Adequate, reliable and impartial investigation of complaints, including the opportunity to present witnesses and present evidence
- _____ Designated and reasonably prompt time frames for the major stages of the complaint process
- _____ Methods for providing written notice to the parties of the complaint
- _____ An assurance the school will take steps to prevent the recurrence of any discrimination and to correct its discriminatory effects on the complainant and others, if appropriate
- _____ If a district has more than one grievance procedure, it must be clear which one to use and when (i.e. Civil Rights Grievance, Anti-Bullying and Harassment Complaint)
- _____ Provide a list of publications where grievance procedure is published

Related IASB Sample Policies: 102 series (last updated 2015)

Guidance:

Districts must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging discrimination. Students, staff, parents and appliances for employment must be made aware of the grievance procedures and forms.

2. _____ Policy prohibiting harassment and bullying of or by students, staff, and volunteers which is based on actual or perceived age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status and which creates an objectively hostile school environment. *281—IAC 12.3(13), Title IX Section 106.31, Iowa Code 280.28(3) and 729A.1*

Guidance: Harassment and bullying is construed to mean any electronic, written, verbal, or physical act related to the specified traits or characteristics stated above. The local board policy must contain all of these 17 traits or characteristics, but does not need to be limited to these 17.

According to Iowa Code 280.28(3): On or before September 1, 2007, the board of directors of a school district and the authorities in charge of each accredited nonpublic school shall adopt a policy declaring harassment and bullying in schools, on school property, and at any school function, or school sponsored activity regardless of its location, in a manner consistent with this section, as against state and school policy. The board and the authorities shall make a copy of the policy available to all school employees, volunteers, students, and parents or guardians and shall take all appropriate steps to bring the policy against harassment and bullying and the responsibilities set forth in the policy to the attention of school employees, volunteers, students, and parents or guardians.

If a single policy is used, a reasonable person must be able to interpret the policy as covering student vs. student, student vs. staff, staff vs. staff, and staff vs. student issues.

Related IASB Sample Policies: 104 series (last updated 2015)

II. Recruitment, Admissions and Counseling

A. Admissions Criteria

1. _____ High school course handbook/registration guide and master schedule. *OCR Guidelines Sections IV.A, IV.F, IV.K, and IV.N; 34 C.F.R. §§100.3(a) and (b)(1)(v), 104.4(a) and (b), and 106.21*

Evidence:

A Course Description Guide should contain general information including graduation requirements and an explanation of the grading system. The guide should include a description of each CTE program, the number of credits available, and any prerequisites. All students must be eligible to take CTE courses, (although some courses may state a specific grade level requirement) and may not use criteria based on race, color, national origin, sex or disability.

Note:

If the district delivers any part of its CTE program through sharing agreement(s) with another district, additional information may be requested during the on-site visit to verify the agreements are functional, including the following:

- ✓ Current student enrollment, disaggregated by sex, for shared program(s). Provide the enrollment for all districts involved even if the enrollment for one district is zero.
- ✓ Course registration guide.
- ✓ High school master schedule.

Courses must be advertised to students regardless of where the course is held (i.e., inside or outside the district). The issue here is access; students must be aware of course offerings provided through sharing agreements and must not be discouraged from attending.

B. Access for National Origin Minority Students with Limited English Language Skills

1. _____ Course descriptions are available to students and prospective students, including limited English-speaking students, prior to and during registration. *OCR Guidelines Section IV.L*

Guidance:

Course descriptions are free of discriminatory language based on race, color, national origin, sex or disability. Language in course and program descriptions encourages the participation of students in career and technical courses and programs where their group has been under-represented.

C. Counseling and Prospects for Success

1. _____ Materials and practices to ensure counseling procedures are free of stereotyping in language, content, and illustration and do not contribute to disproportion in CTE enrollment. *OCR Guidelines Sections V.A and B; 34 C.F.R. §§100.3(a) and (b); 104.37(b), and 106.36*

Evidence may include:

- _____ Action steps of counselors to review documents and practices
- _____ Guidance standards
- _____ Guidance curriculum
- _____ Calendar of career planning activities
- _____ 8th grade career planning activities and documents
- _____ Four-Year planning documents

D. Counseling of Students with Limited English Speaking Ability or Hearing Impairments

1. _____ Counseling services are provided to all students. *OCR Guidelines Section V.D; 34 C.F.R. 100.3(a) and (b) and 104.37(b)*

Evidence must include:

- _____ Procedures to ensure students of limited English Speaking Ability benefit from counseling services.
- _____ Procedures to ensure students with hearing impairments benefit from counseling services.

E. Recruitment and Promotional Activities

1. _____ Attendance center and course enrollment data, disaggregated by sex, race, color, national origin, and disability are reviewed annually (**EQ3**). *281—IAC 12.1(1) OCR Guidelines Section V.A, V.C and V. E; 34 C.F.R. § 106.23*

Evidence must include:

- _____ Attendance center, program, and course enrollment data disaggregated by sex, race, color, national origin and disability for the last 3 years. (data from EdInsight or student management system)
- _____ A description of how these data are collected and used, with what frequency, by whom, and for what purposes. Such as meeting agendas, calendars, PowerPoints, data days, or training action plans.
- _____ A summary of attendance center, program, and course enrollment-related trends noted over the past three years (data from EdInsight or student management system can be used to develop/study trends).
- _____ A summary of steps taken to increase participation in programs where disproportion was found.

Guidance:

Collection of “count” data for the indicated categories is most likely completed through the district’s student management system and partially reported through BEDS. It is appropriate for districts offering multiple sections of content-specific courses at other levels (e.g., grade 8) to provide these data as well as this would help determine equity in student placement practices. It is not uncommon for districts to provide course-level disaggregated data for sex only as this is a common report feature on student management systems, but the requirement is for data to be collected and reviewed for each stated category (i.e., sex, race, and disability).

Section III: Accessibility

1. _____ Completed 2016-2017 Educational Equity Review Data Table *OCR Guidelines Section IV.N; 34 C.F.R. §§104.21-104.23; 28 C.F.R. §§ 35.149-35.151*

Guidance:

An Excel spreadsheet will be provided at the Equity Orientation and will be available on the DE website under "[Equity Education](#)." The district will complete the information and submit the completed spreadsheet to the DE at least two weeks prior to the start of the visit. The spreadsheet contains data not available through other sources at the DE, including the "Physical Accessibility of Facilities" chart which needs to be completed to determine compliance with Section 504/ADA Standards.

2. _____ Accessibility Self Study (Optional)

Evidence:

_____ Periodic self-evaluations of the accessibility of programs and facilities to students, to staff, to parents, and to community members with disabilities.

_____ A written plan, which describes how the programs and services in those buildings or areas of buildings that still remain inaccessible are made available to students, to staff, to parents and to community members with disabilities.

3. _____ Accessibility of Facilities

Evidence:

An onsite review of district facilities will be conducted by DE staff.

Section IV: Comparable Facilities

1. _____ Locker rooms, changing rooms and shower facilities are located where all students have equal access to them or are duplicated in both the girls' and the boys' locker rooms. *OCR Guidelines Section VI.D; 34 C.F.R. §106.33*

Evidence:

An onsite review of district facilities will be conducted by DE staff.

Section V: Services for Students with Disabilities

1. _____ Section 504 Policies and Procedures and/or Manual
OCR Guidelines Sections IV.N and VI.A; 34 C.F.R. §§ 104.4(a) and 104.33-104.36; 28 C.F.R. § 35.130

Guidance:

Districts have an obligation to provide the Section 504 services students are entitled to receive.

Evidence may include:

- _____ Board Policy
- _____ Section 504 Procedures Manual and/or forms
- _____ Staff handbook

IASB Sample Policy #102 series (last updated 2015)

Section VI: Financial Assistance

1. _____ Information on honors, awards, and scholarships are available to all persons regardless of race, color, national origin, sex or disability. *OCR Guidelines Sections VI.B; 34 C.F.R. §§100.3(a) and (b), 104.4(a) and (b), and 106.37*

Evidence may include:

- _____ Procedure to provide notice of scholarships, honors, or awards to student body.
- _____ Procedure to ensure national origin minority persons with limited English language skills receive information in their own language.
- _____ Foundation or scholarship committees working closely with the district include nondiscrimination notice on materials.

Guidance:

Education agencies shall not limit honors, awards and scholarships to a group on the basis of race, color, national origin, sex or disability unless such targeting is done to provide opportunities to members of a group that has traditionally not been represented. Outside agencies that provide awards are to be notified of the agency's nondiscrimination policy.

Section VII: Work Study, Cooperative Programs, and Job Placement

1. _____ A list of workplace based education programs; the contracts with all employers or other sponsors offering work-study, cooperative education, job placement, and apprenticeship programs; and the application materials that students complete to obtain these positions. *OCR Guidelines Sections VII.A and B, 34 C.F.R. §106.38(a)*

Guidance:

A district not only has the responsibility to provide its services in a nondiscriminatory manner, but it also has the responsibility to help ensure that unions and private businesses with which they place students do not discriminate. Workplace based contracts and application materials must contain the district's nondiscrimination notification, along with a statement that employers or other sponsors are prohibited from engaging in unlawful discrimination.

Section VIII: Employment

1. _____ Documentation of employment practices including screening/hiring policies and procedures. *OCR Guidelines Sections VIII.A-F; 34 C.F.R. §§104.11-104.14 and 106.51-106.61*

Evidence must include:

- _____ Samples of job postings over the past three years.
- _____ Employment application forms for licensed and unlicensed staff
- _____ Personnel Hiring Manual
- _____ Policy for equal employment opportunity

IASB Sample Policy 401.1 (last updated 2015)

Guidance:

Job application forms and job postings must contain a nondiscrimination notice to include, in addition to the required protected classes (race, color, national origin, sex, disability, age, religion, creed, sexual orientation, and gender identity), information about the grievance procedure and the name and contact information for the district's equity coordinator.

All public school and AEA jobs are required by Iowa Code section 256.27 to be posted to Teach Iowa.

2. _____ Salary policies related to placement and advancement *OCR Guidelines Sections VIII.A-F; 34 C.F.R. §§104.11-104.14 and 106.51-106.61*

Evidence must include:

- _____ District salary schedule(s)
- _____ Personnel handbooks for both licensed and unlicensed staff

Equity Items for Review On-Site

1. Documentation of processed civil rights grievances

Evidence:

Confidential information provided to team leader on site.

2. Current Section 504 plans pulled at random by the equity team leader.

Evidence:

Confidential information provided to team leader on-site.

It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, *et seq.*), Title IX (Educational Amendments, 20 U.S.C. §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, *et seq.*).

If you have questions or complaints related to compliance with this policy by the Iowa Department of Education, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, Des Moines, IA 50319-0146, telephone number 515/281-5295, or the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-7204, Telephone: (312) 730-1560, Facsimile: (312) 730-1576, [Email: OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov).

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