



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
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DEPARTMENT OF EDUCATION
JUDY A. JEFFREY, DIRECTOR

July 10, 2006

Dave Schmitt, Superintendent
Washington Community School District
P.O. Box 926
Washington, IA 52353

Dear Superintendent Schmitt:

The Department of Education would like to express appreciation for the courtesies extended to Deb Boring, Laurie Phelan, Carol Greta and Mary Sullivan during the educational equity review conducted in conjunction with the comprehensive school improvement site visit at your school district on February 14-16. The purpose of the on-site review was to ascertain the compliance status of your district in accordance with federal and state civil rights laws including the Vocational Education Program Guidelines for Eliminating Discrimination.

The primary purpose of this letter is to set forth the findings of the visit. These findings are organized into three components: areas of strength and observations, concerns and recommendations, and areas of noncompliance. Legal citations are included where compliance is an issue.

The second purpose of this letter is to formally request a voluntary compliance plan be submitted to Del Hoover within 60 calendar days of the date of this letter, on or before September 10, 2006. The compliance plan must address each area of noncompliance identified in the letter and must contain the components listed in Attachment A, an enclosure with this letter. In the event you disagree with the findings of noncompliance, the procedure for an appeal is also enclosed (See Attachment B).

If you desire clarification of the contents of this letter, please contact Del Hoover, Deputy Administrator, Division of Early Childhood, Elementary and Secondary Education (515/281-8402) or Tom Andersen, Equity Consultant, Division of Community Colleges and Workforce Preparation (515/281-4723). Continued technical assistance for any issue or concern that may arise within your district is available through the Department of Education. Thank you for your cooperation in this matter and your continued interest in ensuring that our educational programs effectively serve all our students.

Sincerely,

A handwritten signature in black ink, appearing to read "Del Hoover".

Del Hoover
Deputy Division Administrator
Division of Early Childhood, Elementary and Secondary Education

cc: Deb Boring, Consultant, Division of Early Childhood, Elementary and Secondary Education
School Board President
Equity Review Team Members
Equity Review File

Enclosures: A - Components of Voluntary Compliance Plan
B - Appeal Process
C - Legal Citations

Educational Equity Review
Iowa Department of Education

Washington Community School District

Summary of Team Findings

February 14-16, 2006

**Iowa Department of Education
Grimes State Office Building
Des Moines, Iowa 50319-0146**

I. Equity Policy and Process Requirements

This section includes issues related to board policies, the functioning of the equity coordinator, the grievance procedure, and the dissemination of information to parents, staff, students, and the community.

A. Strengths and/or Observations

1. The district has been proactive in adding sexual orientation to the district's non-discrimination policy. This policy is included in all major printed publications and the district website.
2. There is evidence that the district's Equity Coordinator is communicating procedures and policies to faculty and staff.
3. The district has been proactive in addressing equity issues by utilizing the services of the Midwest Equity Assistance Center.
4. The district conducts graduate surveys at the following intervals: graduation, one year after graduation, and five years after graduation.

B. Concerns and Recommendations

5. The district has a grievance procedure for processing complaints of discrimination and harassment and it notifies staff, students and parents that the grievance process exists and is available to them. Despite this, interviews with students, instructors and parents revealed a lack of knowledge of the grievance procedure. The district might consider developing grievance forms and making them available in the central office, in each school, and on its website. The role of the equity coordinator in the grievance process could also be clarified. It would be helpful for principals to more proactively talk with students, staff and parents about the non-discrimination and harassment policies and the grievance procedure at the beginning of each year and periodically during the year.
6. There are multiple non-discrimination related board policies. The wording varies in the various policies. The policies should be revised to reflect the district's most recent non-discrimination policy.
7. Chapter 12 requires school districts to have a board adopted comprehensive school improvement plan that incorporates multicultural, gender-fair goals. While the comprehensive school improvement plan (CSIP) does contain codes designating the MCGF integration, there was no evidence that the district has a process for ensuring that they are implemented. The district might consider reviewing its curriculum development process and its evaluation process to include steps to ensure that multicultural, gender fair approaches to the educational program are being implemented.

C. Areas of Noncompliance

8. The district's civil rights grievance procedure does not include a provision for an impartial third party hearing, when the internal findings of grievances related to program placement and accommodations for students with disabilities are appealed. (Section 504 of the Rehabilitation Act of 1973, 104.36)
9. External organizations that provide scholarships should be informed of the district's nondiscrimination policy. Additionally, these organizations should receive annual and on-

going notification of the identity, address and phone number of the equity coordinator. (Section 504 of the Rehabilitation Act of 1973, 104.8; Title IX of the Education Amendments of 1972, 106.9)

10. The School Improvement Advisory Committee (SIAC) must reflect the diversity of the district. The membership of the SIAC does not include persons with disabilities, and does not reflect gender balance. Males are under-represented. (Iowa Administrative Code, 12.2(256))

II. School Improvement and the Educational Program

This section includes equity issues related to the school improvement process, curriculum, instruction, assessment, student achievement, achievement gaps, and media services. Equity issues related to the Comprehensive School Improvement Plan (CSIP), the Annual Progress Report (APR) and the School Improvement Advisory Committee (SIAC) might be included here.

A. Strengths and/or Observations

11. The district has developed a variety of strategies designed to address disparity in achievement levels by the various demographic groups.
12. The district has an active and functioning Equity Committee.
13. The district demonstrates its commitment to meeting the language needs of English language learners (ELL) by allocating resources to supplement state and federal ELL funds. The district also employs a bilingual outreach staff member and plans to add two additional ELL teachers in 2006-2007.

B. Concerns and Recommendations

14. High school course descriptions do not contain information that will connect students to careers. The district should consider adding career connections to high school course descriptions to assist students in making real-world connections to the curriculum. Additionally, when enrollment criteria have a disparate impact on one gender, a racial group, or persons with disabilities, it is important to show the criteria used are directly related to success in the program. The district should strive to write course descriptions that identify how the knowledge and skills presented are related to careers and/or life enrichment and make all students feel welcomed.
15. The achievement gap between Hispanic students and their peers is significant. The district is encouraged to continue to review subgroup data and to implement curricular and instructional strategies designed to narrow the gap.
16. Parents interviewed indicated a perception that Hispanic students and their families "stay to themselves". While no other interview groups portrayed such a perception, the district is encouraged to form a work group of school staff, students, and families to develop strategies for promoting positive interactions. The district is also encouraged to work on ways to improve communication and involvement for ELL and socio-economically disadvantaged parents.
17. A review of the district's student fees indicates that some fees may be unreasonable. The district should review its current fee structure to ensure that fees do not create barriers to student participation.

18. The committee would recommend that anti-bullying posters and posters with information about tornado and fire drills be replicated in Spanish.

C. Areas of Noncompliance

19. Gender segregation occurs when more than 80% of the enrollment in a class, program or activity is one gender. Approximately 20 high school courses are classified as segregated on the basis of gender. Racial segregation occurs when there is a 10 percent greater variance between enrollment of minority students in the class or program than the minority percentage in the building or district or when no minority students are represented in a course or program when the building or district's minority enrollment is 5 percent or less. A few high school classes (approximately 10) are classified as segregated on the basis of race/national origin. The district must review policies, practices and curriculum to ensure that they are not contributing to this isolation. The district must also implement strategies to target information about these programs at students who have traditionally been uninvolved and to recruit them into the courses and programs. The review of enrollments in buildings, programs, courses and activities on the basis of race, national origin, gender, and disability should be conducted annually to monitor the integration of students in buildings, programs, courses, and activities. (Title IX of the Education Amendments of 1972, 106.31, 106.34, 106.36, Office of Civil Rights Guidelines 1979, Section V.B., Section V.C., Section V.E.)

III. Access, Integration, Inclusion, and Enrollment Issues

This section includes equity issues related to the guidance program, enrollment trends in buildings, programs, courses and activities, integration, segregation, inclusion, and physical access to programs, courses, and facilities.

A. Strengths and/or Observations

20. Direct instruction in social skills at Lincoln School is proactive.
21. The district has a well-coordinated K-12 guidance and counseling program. The program has incorporated innovative programs such as the following: Best Buddies, Latino Outreach Program, Olweus Anti-Bullying Program, the Lincoln Leadership Team, SCRAM, and Peer Helpers.
23. The written agreement between the school and work based learning training station has been revised to include a statement of non-discrimination.
24. Students interviewed indicated that they feel safe at school, on school grounds, and in the community.
25. The district's discipline policies are included in student handbooks and are presented to students during assemblies. The district has taken a proactive approach to decreasing the incidence of disciplinary actions needed. Some of the approaches include the Olweus Bullying program and the addressing of harassment issues in the sophomore health curriculum.

B. Concerns and Recommendations

26. High school students expressed the perception that students with disabilities are isolated, not fully part of the life of the school. This is at odds with teacher perceptions. Effort should be made to determine the extent to which students are involved, and brainstorm strategies that might be implemented to promote fuller inclusion.
27. Some parents of elementary students expressed concern that school does not provide the appropriate security regarding persons entering their building. The district is encouraged to review the following questions:
- Does the district have policies formalizing student safety procedures?
 - If so, what are the procedures?
 - Are the procedures being followed?

C. Areas of Non-Compliance

28. Districts have the responsibility to ensure equitable access to instructional facilities for all students. In the case of students with physical disability or mobility impairment, facilities must be such that the student can enter the building or room without assistance from others. Buildings and areas are to be accessible even though there may not be any students or employees who are physically disabled at the present time. Additionally, Section 504 requires that programs and activities taking place in buildings which have architectural or other barriers and were built before 1977 be accessible. However, any building that was built after 1977 or was renovated after that date must meet the required structural standards for accessibility. The district has several architectural barriers that must be addressed. The district must develop a transitional plan describing how the programs and services in those pre 1977 buildings are made available to students, staff, parents, and community members with disabilities as well as ensure that all post 1977 buildings are architecturally and structurally accessible.

The visiting team observed the following facility concerns:

- Accessibility at Stewart should be improved. A number of classrooms have wooden floors that buckle, making it difficult for children with mobility impairments to get around.
- At the high school, only one disability parking space was identified, and it was almost 100 yards from the accessible school entrance. There is only one handicapped parking spot at Stewart Elementary, and is also quite a distance from the entrance.
- Gravel parking lots are uneven and difficult for people with mobility impairments to navigate (Stewart).
- No elevator is present to the upper floor of the high school or Stewart Elementary. The district needs to ensure that these programs are accessible to students, parents, and staff members with disabilities.
- Some buildings have bathroom configurations and stall door widths that do not allow wheelchair users to have access. An ADA/Accessibility audit would help pinpoint needed improvements.
- Restrooms at the Central Office are inaccessible to individuals with disabilities. One solution may include removing the metal stall and adding a lock to the door.
- Access to the Central Office is a concern because the outside door is very heavy and there is no electronic opener.
- No handicapped parking exists at the Central Office.

(Section 504 of the Rehabilitation Act of 1973 104.22, 104.23)

29. There is no evidence that parents and community representatives were involved in the development of the district's discipline policies. The law requires that the rules be equitable for all students and that they be applied consistently to all groups. (Iowa Administrative Code 12.3(6))

IV. Support Services and Accommodations for Special Populations

This section includes support services, accommodations, and educational programming for English language learners (ELL), students with disabilities (special education/Section 504), at-risk students, homeless students, and gifted students.

A. Strengths and/or Observations

30. The district actively teaches special education students about self-advocacy.
31. Many students with disabilities are taught in general education classes. Teachers felt students were seen as "belonging to" general education, not special education.
32. The Peer Buddies program at the high school fosters positive interactions between students with and without disabilities.
33. Team teaching is occurring throughout the district between special education and general education teachers. Additionally, special education teachers teach non-identified students in the general education setting.
34. Nomination and screening procedures for identifying participants of the Talented and Gifted program (Extended Learning Program [ELP]) are well defined.
35. School staff members have a solid understanding of the processes utilized to identify homeless children and youth.
36. The district has a low drop out rate of .37%.
37. At-Risk students receive a wide variety of services that are designed to enhance student success.

B. Concerns and Recommendations

38. The district should analyze the overrepresentation of male students receiving special education services.
39. All students, regardless of disability, must have equal opportunity to benefit from all school programs whether they are academic or co-curricular. The district should adopt board policies governing special education that address issues of gender, race, and national origin (language) equity.
40. The law requires that males and females be treated equitably in respect to marital status and expectant parenthood. The district should adopt board policies relative to student marital and parental status that are applied equally to both male and female students. The Iowa Association of School Boards (IASB) could serve as a resource for model board policies.

C. Areas of Noncompliance

41. The district's ELP (Extended Learning Program) must include the following four components: 1) a valid and systematic procedure, employing multiple criteria, for identifying ethnic and language diverse students if such students are enrolled; 2) specific curricular programming (the qualitative differentiated program) to meet the needs of identified gifted and talented students; 3) support services, including materials and staff to ensure a qualitatively differentiated program; and 4) a procedure for annual review and evaluation. The only two Hispanic students in the ELP program are at the elementary level. No Junior High or High school students are in the program. The district should investigate why this is the case and what it could do to ensure representation by culturally diverse student groups. The district should be more proactive in analyzing disparities in the participation of various demographic groups in the ELP program. The district is encouraged to contact the Area Education Agency for assistance. (Title VI – Civil Rights Act, 1964, 100.3; Code of Iowa, Section 245.11(7); Iowa Administrative Code 12.5(12))

V. Employment Policies/Practices and Advisory Committee Membership

This section includes equity issues related to equal employment opportunities, affirmative action in employment, personnel practices, and assignment to advisory councils/committees.

A. Strengths and/or Observations

None

B. Concerns and Recommendations

42. The law requires districts to have an officially adopted policy statement of nondiscrimination on the basis of race, color, national origin, gender, disability, age, religion, creed and marital status. The district should consider removing the high school graduation date from the district's employment application. This item implies age of the applicant.
43. There is only one Latino teacher in the district. Given the growing population of Spanish-speaking students and families, the district is encouraged to continue its efforts to hire Latino or, at a minimum, Spanish-fluent teachers at each school to facilitate outreach to this population.

C. Area of Noncompliance

None

VI. Climate and Discipline

This section includes equity issues related to discipline, harassment, multicultural, gender-fair (MCGF) approaches to the educational program, and the maintenance of welcoming, secure, and inclusive learning environments.

A. Strengths and/or Observations

44. The district appears to be proactively informing students, faculty, and staff about harassment policies.

B. Concerns and Recommendations

45. The media center program and staff can play a major support role for instruction that is MCGF by providing staff and students with resources by and about diverse racial/ethnic groups, both men and women, and persons with disabilities. It should also serve to support classroom instruction. The media collection at Stewart Elementary appears to lack MCGF materials. Additionally, displays or bulletin boards including multicultural and nonsexist materials should be more prevalent at the high school.

C. Area of Noncompliance

None

VII. Physical Education Athletics and Other Extra-Curricular Activities

This section includes equity issues related to physical education, athletic programs, other extra-curricular activities, equity of locker rooms, facilities, equipment, and coaching opportunities).

A. Strengths and/or Observations

46. Equitable athletic opportunities exist for males and females at the junior high and high school.

47. The district provides adaptive physical education courses when needed by students with disabilities.

B. Concerns and Recommendations

None

C. Areas of Noncompliance.

48. Data presented to the team by the district on athletic participation showed 0% participation by students with disabilities. The district must review its policies and practices to ensure that they are not contributing to this lack of involvement and document strategies that have been put into place to include students with disabilities in athletics and other extracurricular activities. (Section 504 of the Rehabilitation Act of 1973, 104.34, 104.37; Code of Iowa, Section 216.9)

49. Some co-curricular activities show low or no participation by Hispanic students. The district must review its policies and practices related to extracurricular activities and athletics to ensure that they are not contributing to this trend and document the actions they have initiated to involve Hispanic students in extracurricular activities. (Title VI – Civil Rights Act, 1964, 100.3; Code of Iowa, Section 256.11)

ATTACHMENT A

STATE OF IOWA
DEPARTMENT OF EDUCATION
Division of Early Childhood, Elementary & Secondary Education
Grimes State Office Building
Des Moines, Iowa 50319

**METHODS OF ADMINISTRATION FOR REVIEWING CIVIL RIGHTS IMPLEMENTATION
IN LOCAL EDUCATIONAL AGENCIES**

Components of a Compliance Plan

WHAT? Clear statement of each issue identified to be addressed in the plan.

HOW? Specific activities to be carried out to remedy each of the concerns or issues.

WHO? Personnel identified to be responsible for each activity.

WHEN? Projected timelines established to complete each activity. (Not to exceed May 31 of the next school year.)

Mutual agreement by the local and state education agencies must precede implementation. A follow-up visit to assess full implementation of the plan will occur within the next academic school year. Documentation to provide evidence of implementation is required.

SAMPLE - COMPLIANCE PLAN

GOAL STATEMENT: To review, update and provide consistency in the notification process as it relates to equity issues, harassment, nondiscrimination, equal opportunity, abuse of students by school employees and human equity grievance procedure.

STRATEGIES	Time Frame	Team Leader	Team Members
1. Review all board policies that relate to the above issue.	February, 2005	John Smith, Superintendent	Sue Cook Sam Less Mary Lopez Joe Brown
2. Draft a consistent notification statement to be used in all official publications and annually in the community newspaper.	March, 2005	Sue Cook, Principal	Sam Less Mary Lopez Joe Brown
3. Finalize notification statement and send out to all administrative staff with memo concerning the use of the statement in all major publications in 2002-2003 school year.	April, 2005	John Smith, Superintendent	Sue Cook Sam Less Mary Lopez Joe Brown

Documentation as to completion: 1) Revised notification statement in newspaper 2) Sample major publications with notification statement.

ATTACHMENT B

STATE OF IOWA
DEPARTMENT OF EDUCATION
Division of Early Childhood, Elementary & Secondary Education
Grimes State Office Building
Des Moines, Iowa 50319

METHODS OF ADMINISTRATION FOR REVIEWING CIVIL RIGHTS COMPLIANCE IN LOCAL EDUCATIONAL AGENCIES

APPEAL PROCESS

In the event the local education agency contests findings of the equity on-site review, the following procedures and timelines have been established by the Department of Education for attempting to attain resolution:

1. Notification of local education agency of the findings of the on-site review within sixty calendar days.
2. Local education agency may challenge one or more of the findings by submitting a written statement to the state director within thirty calendar days of receipt of the letter of findings.
3. The state director will appoint a panel to be chaired by the deputy administrator of the Division of Early Childhood, Elementary and Secondary Education and to include the equity consultant from the Division of Community Colleges and Workforce Preparation and a school improvement consultant from the Division of Early Childhood, Elementary and Secondary Education. The deputy administrator of the Division of Early Childhood, Elementary and Secondary Education will transmit a written decision on the contested issue to the school district. The statement may be either a change in the report or an affirmation of the original report, in whole or part, within twenty calendar days.
4. The local education agency may indicate a desire to continue the appeal (in writing) to the equity review coordinator within twenty calendar days.
5. A meeting will be scheduled with the administrator of the Division of Early Childhood, Elementary and Secondary Education; chief of the Bureau of Community Colleges and Career and Technical Education and the deputy administrator of the Division of Early Childhood, Elementary and Secondary Education and the equity consultant in the Division of Community Colleges and Workforce Preparation within twenty calendar days.
6. The administrator of the Division of Early Childhood, Elementary and Secondary Education will make a decision and transmit the decision to the local education agency in writing within twenty calendar days.
7. In the event this process does not result in resolution, the state director will notify the Office of Civil Rights within the United States Department of Education.

CITATIONS FROM CIVIL RIGHTS LAWS AND GUIDELINES

Section 504 of the Rehabilitation Act of 1973

104.8 Notice

- (a) 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 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 programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to 104.7(a).
- (b) 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) of this section. 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.

104.22 Existing facilities

- (a) *Program Accessibility.* A recipient shall operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.
- (b) *Methods.* A recipient may comply with the requirements of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes of classes or other services to an accessible building, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alternation of existing facilities and construction of new facilities in conformance with the requirements of 104.23, or any other methods that result in making its programs or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.
- (e) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:
 - (1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to handicapped persons;
 - (2) Describe in detail the methods that will be used to make the facilities accessible;
 - (3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify the steps that will be taken during each year of the transition period; and
 - (4) Indicate the person responsible for implementation of the plan.
- (f) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities and facilities that are accessible to and usable by handicapped persons.

104.23 New construction.

- (a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this part.
- (b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.
- (c) *Conformance with Uniform Federal Accessibility Standards.*
 - (1) Effective as of January 18, 1991, design, construction, or alteration of buildings in conformance with section 3-8 of the Uniform Federal Accessibility Standards *UFAS) (Appendix A to 41 CFR subpart 101-19.6) shall be deemed to comply with the requirements of this section with respect to those buildings. Departures from particular technical and scoping requirements of UFAS by the use of other methods are permitted where substantially equivalent or greater access to and usability of the building is provided.
 - (2) For purposes of this section, section 4.1.6(1)(g) of UFAS shall be interpreted to exempt from the requirements of UFAS only mechanical rooms and other spaces that, because of their intended use, will not require

accessibility to the public or beneficiaries or result in the employment or residence therein of persons with physical handicaps.

- (3) This section does not require recipients to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structural member.

104.34 Educational setting

- (a) *Academic setting.* A recipient to which this subpart applies shall educate or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home.
- (b) *Nonacademic settings.* In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in 104.37(a)(2), a recipient shall ensure that handicapped persons participate with nonhandicapped persons in such activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

104.36 Procedural safeguards

A recipient that operates a public elementary or secondary education program shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap, need or are believed to need special instructional 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 opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of section 615 of the Education of the Handicapped Act is one means of meeting this requirement.

104.37 Nonacademic services

- (a) *General.*
 - (1) A recipient to which this subpart applies shall provide nonacademic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.
 - (2) Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to handicapped persons and employment of students, including both employment by the recipient and assistance in making available outside employment.
- (b) *Counseling services.* A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are non-handicapped students with similar interests and abilities.

Title IX of the Education Amendments of 1972

106.9 Dissemination of policy

- (a) *Notification of Policy.*
 - (1) Each recipient shall implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in the educational programs or activities which it operates, and that is required by Title IX and this part not to discriminate in such a manner. Such notification shall contain such information, and be made in such manner, as the Assistant Secretary finds necessary to apprise such persons of the protections against discrimination assured them by Title IX and this part, but shall state at least that the requirement not to discriminate in education programs and activities extends to employment therein, and to admission thereto...
- (b) *Publications.*
 - (1) Each recipient shall prominently include a statement of the policy described in paragraph (a) of this section in each announcement, bulletin, catalog, or application form which it makes available to any person of a type, described in paragraph (a) of this section, or which is otherwise used in connection with the recruitment of students or employees.
 - (2) A recipient shall not use or distribute a publication of the type described in this paragraph which suggests, by text or illustration, that such recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by this part.

- (c) *Distribution.* Each recipient shall distribute without discrimination on the basis of sex each publication described in paragraph (b) of this section, and shall apprise each of its admission and employment recruitment representatives of the policy of nondiscrimination described in paragraph (a) of this section, and require such representatives to adhere to such policy.

106.31 Education programs and activities

- (a) *General.* Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives of benefits from Federal financial assistance.
- (b) *Specific prohibitions.* Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex:
- (1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
 - (2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
 - (3) Deny any person any such aid, benefit, or service;
 - (4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;
 - (5) Discriminate against any person in the application of any rules of appearance.
 - (6) Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;
 - (7) Aid or perpetrate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
 - (8) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

106.34 Access to course offerings

A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

- (a) With respect to classes and activities in physical education at the elementary school level, the recipient shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. With respect to physical education classes and activities at the secondary and post-secondary levels, the recipient shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.
- (b) This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.
- (c) This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.
- (d) Where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the recipient shall use appropriate standards which do not have such effect.
- (e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.
- (f) Recipients may make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex.

106.36 Counseling and use of appraisal and counseling materials

- (a) *Counseling.* A recipient shall not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants for admission.
- (b) *Use of appraisal and counseling materials.* A recipient which uses testing or other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless such different materials cover the same occupations and interest areas and the use of such different materials is shown to be essential to eliminate sex bias. Recipients shall develop and use internal procedures for ensuring that such materials do not discriminate on the basis of sex. Where the use of a counseling test or other instrument results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination in the instrument or its application.
- (c) *Disproportion in classes.* Where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.

Title VI - Civil Rights Act, 1964

100.3 Discrimination prohibited

- (a) *General.* No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.
- (b) *Specific discriminatory actions prohibited.*
 - A. A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on grounds of race, color, or national origin: (i) Deny an individual any service, financial aid, or other benefit provided under the program; (vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

Office of Civil Rights Guidelines 1979

Section V.B. Counseling and Prospects for Success

Recipients that operate vocational education programs must insure 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 handicap. Recipients may not counsel handicapped students toward more restrictive career objectives than nonhandicapped students with similar abilities and interests. If a vocational program disproportionately enrolls male or female students, minority or nonminority students, or handicapped students, recipients must take steps to insure that the disproportion does not result from unlawful discrimination in counseling activities.

Section V.C. Student Recruitment Activities

Recipients must conduct their student recruitment activities so as not to exclude or limit opportunities on the basis of race, color, national origin, sex, or handicap. 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, national origin, sex, or handicap of the students or potential students to whom the presentation is made. Also, to the extent possible, recruiting teams should include persons of different races, national origins, sexes, and handicaps.

Section V.E. Promotional Activities

Recipients may not undertake promotional efforts (including activities of school officials, counselors, and vocational staff) in a manner that creates or perpetuates stereotypes or limitations based on race, color, national origin, sex or handicap. Examples of promotional efforts are career days, parents' night, shop demonstrations, visitations by groups of prospective students and by representatives from business and industry. 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. If a recipient's service area contains a community of national origin minority persons with limited English language skills, promotional literature must be distributed to that community in its language.

Code of Iowa

Chapter 256-Subchapter I-Section 256.11 Educational standards

The state board shall adopt rules under chapter 17A and a procedure for accrediting all public and nonpublic schools in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. The rules of the state board shall require that a multicultural, nonsexist approach is used by schools and school districts. The educational program shall be taught from a multicultural, nonsexist approach. Global perspectives shall be incorporated into all levels of the educational program.

Chapter 256-Subchapter I-Section 256.11(7)

Programs that meet the needs of each of the following:

- a. Pupils requiring special education.
- b. Gifted and talented pupils.
- c. At-risk students.

Chapter 216-Section 216.9 Unfair or discriminatory practices -- education

It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, national origin, religion or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

1. Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;
2. Denial of comparable opportunity in intramural and interscholastic athletic programs;
3. Discrimination among persons in employment and the conditions of employment;
4. On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

For the purpose of this section "educational institution" includes any preschool, elementary, secondary, or community college, area education agency, or postsecondary college or university and their governing boards. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion when such qualifications are related to bona fide religious purpose or any institution from admitting students of only one sex.

Iowa Administrative Code

Iowa Administrative Code 281-12.2(256) Definitions

"Incorporate" means integrating career education, multicultural and gender fair education, technology education, global education, higher-order thinking skills, learning skills, and communication skills into the total educational program.

"School improvement advisory committee" means a committee, as defined in Iowa Code section 280.12, that is appointed by the board. Committee membership shall include students, parents, teachers, administrators, and representatives from the local community which may include business, industry, labor, community agencies, higher education, or other community constituents. To the extent possible, committee membership shall have balanced representation of the following: race, gender, national origin, and disability. The school improvement advisory committee as defined by Iowa Code section 280.12 and the board are also part of, but not inclusive of, the local community.

"Subgroups" means a subset of the student population that has a common characteristic. Subgroups include, but are not limited to, gender, race, students with disabilities, and socioeconomic status.

Iowa Administrative Code 281-12.3(6) Student responsibility and discipline

The board shall adopt student responsibility and discipline policies as required by Iowa Code section 279.8. The board shall involve parents, students, instructional and noninstructional professional staff, and community members in the development and revision of those policies where practicable or unless specific policy is mandated by legislation. The policies shall relate to the educational purposes of the school or school district. The policies shall include, but are not limited to, the following: attendance; use of tobacco; the use or possession of alcoholic beverages or any controlled substance; harassment of or by students and staff; violent, destructive, and seriously disruptive behavior; suspension, expulsion, emergency removal, weapons, and physical restraint; out-of-school behavior; participation in extracurricular activities; academic progress; and citizenship.

The policies shall ensure due process rights for students and parents, including consideration for students who have been identified as requiring special education programs and services.

The board shall also consider the potential, disparate impact of the policies on students because of race, color, national origin, gender, disability, religion, creed, or socioeconomic background.

The board shall publicize its support of these policies; its support of the staff in enforcing them; and the staff's accountability for implementing them.

Iowa Administrative Code 281-12.5(12) Provisions for gifted and talented students

Each school district shall incorporate gifted and talented programming into its comprehensive school improvement plan as required by Iowa Code section 257.43. The comprehensive school improvement plan shall include the following gifted and talented program provisions: valid and systematic procedures, including multiple selection criteria for identifying gifted and talented students from the total student population; goals and performance measures; a qualitatively differentiated program to meet the students' cognitive and affective needs; staffing provisions; an in-service design; a budget; and qualifications of personnel administering the program. Each school district shall review and evaluate its gifted and talented programming. This sub rule does not apply to accredited nonpublic schools.