

Florida Educational Equity Act 2010-11 Annual Update



***BUILDING BRIDGES
TO SUCCESS***

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2010-11 Annual Equity Update Shell

PART I: PROCEDURAL REQUIREMENTS:

The following policies and procedures were submitted earlier for review by Office of Equal Educational Opportunity:

1. Policy of Nondiscrimination & Notification
2. Identification & Notification of Coordinator(s)
3. Grievance or Complaint Procedure(s)
4. Harassment Policy
5. AIDS/HIV Policy

PART II: INCOMPLETE ITEMS OR PENDING ACTIONS

There are no incomplete or pending actions

PART III: STUDENT PARTICIPATION

EVALUATION OF METHODS AND STRATEGIES:

(2) Grade 8, Algebra I

The following percentages reflect within race/ethnicity calculations for students enrolled in Grade 8 Algebra I. In 2006-07, 27% of Whites, 5% of Blacks, and 16% of Hispanics were enrolled in Algebra I. **In 2010-11, 49% of Whites (an increase of 22 percentage points), 41% of Blacks (an increase of 36 percentage points), and 34% of Hispanics (an increase of 18 percentage points) were enrolled in Algebra I.**

Grade 8 Total Enrollment 2010-11 (602)

<i>White</i>	<i>Black</i>	<i>Hispanic</i>		
336(56 %)	66(11%)	179(30%)		
Whites In Algebra I 2006-07 27% (118)	Whites In Algebra I 2007-08 26% (101)	Whites In Algebra I 2008-09 22% (83)	Whites In Algebra I 2009-10 36% (136)	Whites In Algebra I 2010-11 49% (165)
Blacks In Algebra I 2006-07 5% (3)	Blacks In Algebra I 2007-08 7% (6)	Blacks In Algebra I 2008-09 11% (6)	Blacks In Algebra I 2009-10 6% (4)	Blacks In Algebra I 2010-11 41% (27)
Hispanics In Algebra I 2006-07 16% (24)	Hispanics In Algebra I 2007-08 14% (28)	Hispanics In Algebra I 2008-09 12% (18)	Hispanics In Algebra I 2009-10 21% (35)	Hispanics In Algebra I 2010-11 34% (60)

Methods/Strategies from the 2009-10 Update

1. The district, in 2009-10 through the Florida Partnership Grant, implemented the AVID program at three of our five middle schools with each school having one section of AVID in the 8th Grade. The AVID program targets students in the academic middle, encourages them to enroll in higher level classes such as Algebra 1 Honors, while providing them support through an elective class. In 2009-10 the district announced "Algebra for All in 8th Grade Initiative" by the school year 2012-2013 meaning that Algebra 1 will become the default course starting in school year 2012-2013.
2. To support this initiative, the number of AVID sections at the three FLP middle schools increased. Horace O'Bryant went from one 8th Grade section to one 6th, one 7th, and two 8th Grade sections. Marathon Middle added a 6th and 7th Grade section to its existing 8th Grade section, and Sugarloaf Middle added a 7th Grade section to its existing 8th Grade section. .
3. *The Take Stock in Children program has stepped up their efforts to see their students enrolled in the more advanced academic courses such as Algebra 1 Honors.*
4. Primary grade teachers will, through regular school based vertical articulation meetings; discuss strategies that can be employed with minority students that have been identified as having potential to succeed in higher level mathematics.
5. Primary, 6th and 7th grade teachers will make every attempt to make the next year gaining teacher aware of minority students identified as having potential to take higher level math courses.
6. School based Equity Team will assist in implementing these strategies.
7. Middle School principals will take a personal interest in seeing that every effort is made to have the demographics of their 8th Algebra 1 Honors reflect, at minimum, the demographics of their school.
8. Continue to *aggressively monitor* placement of Black/Hispanic students into 6th and 7th grade advanced math courses and subsequent placement in Algebra 1 honors courses at the 8th grade. Encourage the 8th grade algebra teachers to take seriously their role as Gatekeeper to this life changing course and to actively recruit minority students.

Evidence of Success

The evaluation reveals progress in increasing enrollment for Black and Hispanic students in 8th grade Algebra I. The percentage of Black students taking Algebra 1 in the 8th Grade increased from 5 % in 2006-07 to 41 % in 2010-11. Hispanic students increased from 16% in 2006-07 to 34% in 2010-11 during the same time.

The gap for Black students decreased from 22 percentage points in 2006-07 to 8 percentage points in 2010-11. Although the percentage of Hispanic students taking Algebra 1 in the 8th Grade more than doubled, the gap for Hispanic students increased from 11 percentage points in 2006-07 to 15 percentage points in 2010-11.

2010-11 New or Modified Methods and Strategies

None-continue to monitor strategies currently in place.

2010-11 New or Modified Accountability Measures and Timelines

Maintain the percentage of Black students enrolling in grade 8 Algebra I in the 2011-12 School Year within 10 percentage points of the 41% that were enrolled last year.

Increase the number of Hispanic students enrolling in grade 8 Algebra I by 10 percentage points by the 2011-12 School Year. Decrease the enrollment gap for Hispanic students by 10 percentage points.

(3) Grades 9-12, Advanced Placement (AP)

The following percentages reflect within race/ethnicity calculations for students enrolled in Advanced Placement courses. In 2006-07, 14% of Whites, 3% of Blacks, and 5% of Hispanics were enrolled. In 2007-08, 13% of White Males, 5% of Black Males, and 7% of Hispanic Males were enrolled. **In 2010-11, 36% of Whites (an increase of 22 percentage points), 11% of Blacks (an increase of 8 percentage points), 25% of Hispanics (an increase of 20 percentage points), 30% of White Males (an increase of 17 percentage points), 7% of Black Males (an increase of 2 percentage points), and 19% of Hispanic Males (an increase of 12 percentage points) were enrolled.**

Grades 9-12 Total Enrollment 2010-11 (2527)

<i>White</i> 1518 (60%)	<i>Black</i> 251 (10%)	<i>Hispanic</i> 671 (27%)		
Whites In AP 2006-07 14% (221)	Whites In AP 2007-08 17% (276)	Whites In AP 2008-09 24% (380)	Whites In AP 2009-10 33% (499)	Whites In AP 2010-11 36% (540)
White Males In AP 2007-08 13% (105)	White Males In AP 2008-09 19% (152)	White Males In AP 2009-10 27% (213)	White Males In AP 2010-11 30% (231)	
Blacks In AP 2006-07 3% (7)	Blacks In AP 2007-08 6% (17)	Blacks In AP 2008-09 5% (13)	Blacks In AP 2009-10 13% (33)	Blacks In AP 2010-11 11% (28)
Black Males In AP 2007-08 5% (7)	Black Males In AP 2008-09 3% (4)	Black Males In AP 2009-10 9% (14)	Black Males In AP 2010-11 7% (10)	
Hispanics In AP 2006-07 5% (30)	Hispanics In AP 2007-08 8% (47)	Hispanics In AP 2008-09 12% (74)	Hispanics In AP 2009-10 19% (121)	Hispanics In AP 2010-11 25% (167)
Hisp. Males In AP 2007-08 7% (23)	Hisp. Males In AP 2008-09 9% (32)	Hisp. Males In AP 2009-10 14%(47)	Hisp. Males In AP 2010-11 19% (66)	

Methods/Strategies from the 2009-10 Update

We will increase the number of AVID sections offered at the two FLP high schools to provide academic support to the students in the academic middle and the traditionally underserved population that are now being enrolled in the AP classes. Key West High will go to two 9th sections, a 10th Grade section and add a section in 11th Grade. Marathon High will add a 6th, 7th and 10th Grade section. We will continue to monitor strategies from the 2008-2009 Equity Plan Update shown below.

The district entered into a partnership with the state of Florida and the College Board (The Florida Partnership (FLP) School Program). The program is designed to provide direct support and resources to the selected Florida high schools and their feeder middle schools. This support will focus on providing high standards and expectations for students in each classroom as the school prepares all students for lifetime success. In developing a college going culture, each participating school will be provided guidance in implementing rigorous academic programs. In addition, through extensive and on-going professional development and the extensive use of data both the administrative, counseling staff, and teaching staff will learn and experience the tools to make this revolutionary reform possible. The Florida Partnership program will help schools implement rigorous and compelling curricular offerings that spur advanced success for all students. The College Board will guide each FLP School as they redesign and transform their delivery of academic programs, refit the master schedule, offer more advanced level courses, and deliver a philosophy of rigor to teachers, counselors, families and school communities. Pre-Advanced Placement workshops, scholarships to Advanced Placement institutes, opportunity grants, and AVID professional development for teachers are part of what we will bring to these schools.

Evidence of Success

The evaluation reveals progress in increasing enrollment in Advanced Placement courses for Black and Hispanic students in grades 9-12th. **Black students increased by 8 percentage points, from 3% in 2006-07 to 11% in 2010-11; Hispanic students also increased by 20 percentage points, from 5% to 25% for the same time period.**

The evaluation also reveals progress in increasing enrollment in Advanced Placement courses for Black and Hispanic male students in grades 9-12th. **Black male student enrollment increased by 2 percentage points, from 5% in 2007-08 to 7% in 2010-11; Hispanic male student enrollment increased by 12 percentage points, from 7% to 19% for the same time period.**

Although we demonstrated significant progress in enrolling Black and Hispanic students in AP classes from 2006-07 to the present, we failed to meet our year to year accountability measures that we set in the 2009-10 Equity Plan Update of increasing the number of Black and Hispanic students in grades 9-12 enrolling in AP courses by 10 percentage points by the 2010-11 School Year. Black enrollment year to year decreased by 2 percentage points, while Hispanic enrollment only increased by 6 percentage points.

Likewise we failed to increase the number of Black and Hispanic Male students in grades 9-12 enrolling in AP courses by 10 percentage points by the 2010-11 School Year. AP Enrollment of Black Male students decreased by 2 percentage points and Hispanic enrollment only increased by 5 percentage points.

2010-11 New or Modified Methods and Strategies:

We will continue to increase the number of AVID sections offered at the two FLP high schools to provide academic support to the students in the academic middle and the traditionally underserved population that are now being enrolled in the AP classes. Key West High will add a 12 grade section to its existing two 9th sections, one 10th Grade section and its 11th Grade section. Marathon High will add and 11th Grade section to their lineup of one section at each 6th through 10th Grade.

High schools will be encouraged to aggressively target Black and Hispanic students whose PSAT scores show that there is a high likelihood of success in AP classes.

2010-11 New Accountability Measure and Timelines

Increase the number of Black students in grades 9-12 enrolling in AP courses by 5 percentage points (approximately 12 students) by the 2011-12 School Year.

Increase the number of Hispanic students in grades 9-12 enrolling in AP courses by 5 percentage points (approximately 33 students) by the 2011-12 School Year.

Increase the number of Black Male students in grades 9-12 enrolling in AP courses by 5 percentage points (approximately 7 students) by the 2011-12 School Year.

Increase the number of Hispanic Male students in grades 9-12 enrolling in AP courses by 5 percentage points (approximately 18 students) by the 2011-12 School Year.

(4) Grades 9-12, Dual Enrollment (DE)

Grades 9-12 Total Enrollment 2010-11 (2527)

<i>White</i>	<i>Black</i>	<i>Hispanic</i>
1518(60%)	251(10%)	671(27%)

The following percentages reflect within race/ethnicity calculations for students enrolled in Dual Enrollment courses. In 2006-07, 7% of Whites, 1% of Blacks, and 5% of Hispanics were enrolled. In 2007-08, 7% of White Males, 1% of Black Males, and 3% of Hispanic Males were enrolled. In 2010-11, 7% of Whites (same as in 2006-07), 1% of Blacks

(same as in 2006-07), 3% of Hispanics (same as in 2006-07), 4% of White Males (a decrease of 3 percentage points), 1% of Black Males (same as in 2007-08), and 3% of Hispanic Males (same as in 2007-08) were enrolled.

Whites In DE 2006-07 7% (119)	Whites In DE 2007-08 8% (135)	Whites In DE 2008-09 14% (216)	Whites In DE 2009-10 12% (191)	Whites In DE 2010-11 7% (105)
White Males In DE 2007-08 7% (56)	White Males In DE 2008-09 13% (106)	White Males In DE 2009-10 9% (73)	White Males In DE 2010-11 4% (35)	
Blacks In DE 2006-07 1% (3)	Blacks In DE 2007-08 1% (2)	Blacks In DE 2008-09 1% (3)	Blacks In DE 2009-10 4% (11)	Blacks In DE 2010-11 1% (3)
Black Males In DE 2007-08 1% (1)	Black Males In DE 2008-09 1% (2)	Black Males In DE 2009-10 3% (5)	Black Males In DE 2010-11 1% (1)	
Hispanics In DE 2006-07 5% (26)	Hispanics In DE 2007-08 3% (20)	Hispanics In DE 2008-09 7% (47)	Hispanics In DE 2009-10 7% (46)	Hispanics In DE 2010-11 3% (22)
Hisp. Males In DE 2007-08 3% (10)	Hisp. Males In DE 2008-09 7% (24)	Hisp. Males In DE 2009-10 5% (15)	Hisp. Males In DE 2010-11 3% (10)	

Methods/Strategies from the 2009-10 Update

The MCSD will join with the Florida Keys Community College to explore strategies to increase minority enrollment in DE courses. The expansion of AVID as noted in the AP section above will help provide academic support to AVID students enrolling in the DE courses.

Evidence of Success

The evaluation does not reveal progress in increasing enrollment in Dual Enrollment courses for Black and Hispanic students in grades 9-12th as enrollment for both groups was unchanged during the period in question. ***It should be noted that while enrollment in Dual Enrollment for both groups was unchanged during the period in question, there was a significant increase for both groups in AP enrollment during the same period.***

2010-11 New or Modified Methods and Strategies

The district will continue to employ the methods and strategies from the 2009-10 Update.

2010-11 New Accountability Measure and Timelines

Increase the number of Black students in grades 9-12 enrolling in DE courses by 5 percentage points by the 2011-12 School Year.

Increase the number of Hispanic students in grades 9-12 enrolling in DE courses by 5 percentage points by the 2011-12 School Year.

Increase the number of Black Male students in grades 9-12 enrolling in DE courses by 5 percentage points by the 2011-12 School Year.

Increase the number of Hispanic Male students in grades 9-12 enrolling in DE courses by 5 percentage points by the 2011-12 School Year.

(5) Grades 9-12, Honors

The following percentages reflect within race/ethnicity calculations for students enrolled in Honors courses. In 2006-07, 52% of Whites, 20% of Blacks, and 32% of Hispanics were enrolled. In 2007-08, 46% of White Males, 18% of Black Males, and 23% of Hispanic Males were enrolled. In 2010-11, 62% of Whites (an increase of 10 percentage points), 36% of Blacks (an increase of 16 percentage points), 46% of Hispanics (an increase of 14 percentage points), 57% of White Males (an increase of 11 percentage points), 26% of Black Males (an increase of 8 percentage points), and 41% of Hispanic Males (an increase of 18 percentage points) were enrolled.

Grades 9-12 Total Enrollment 2010-11 (2527)

<i>White</i> 1518(60%)	<i>Black</i> 251(10%)	<i>Hispanic</i> 671(27%)		
Whites In Honors 2006-07 52% (859)	Whites In Honors 2007-08 54% (871)	Whites In Honors 2008-09 61% (953)	Whites In Honors 2009-10 65% (995)	Whites In Honors 2010-11 62% (948)
White Males In Honors 2007-08 46% (378)	White Males In Honors 2008-09 55% (449)	White Males In Honors 2009-10 60% (475)	White Males In Honors 2010-11 57% (443)	
Blacks In Honors 2006-07 20% (50)	Blacks In Honors 2007-08 25% (65)	Blacks In Honors 2008-09 30% (83)	Blacks In Honors 2009-10 42% (107)	Blacks In Honors 2010-11 36% (90)
Black Males In Honors 2007-08 18% (27)	Black Males In Honors 2008-09 26% (39)	Black Males In Honors 2009-10 37% (55)	Black Males In Honors 2010-11 26% (36)	
Hispanics In Honors 2006-07 32% (181)	Hispanics In Honors 2007-08 31% (180)	Hispanics In Honors 2008-09 38% (242)	Hispanics In Honors 2009-10 47% (300)	Hispanics In Honors 2010-11 46% (306)
Hisp. Males In Honors 2007-08 23% (73)	Hisp. Males In Honors 2008-09 35% (118)	Hisp. Males In Honors 2009-10 42% (138)	Hisp. Males In Honors 2010-11 41% (147)	

Methods/Strategies from the 2009-10 Update

No changes or modifications to methods and strategies were made on the 2009-10 Update. Methods and strategies used were taken from the 2007-08 Update.

Evidence of Success

The evaluation reveals progress in increasing enrollment in Honors courses for Black and Hispanic students in grades 9-12th. Black students increased by 16 percentage points, from 20% in 2006-07 to 36% in 2010-11; Hispanic students also increased by 14 percentage points from 32% to 46% for the same time period. The evaluation reveals progress in increasing enrollment in Honors courses for Black and Hispanic Male students in grades 9-12th as well. Black Male students increased by 8 percentage points, from 18% in 2006-07 to 26% in 2010-11; Hispanic Male students also increased by 18 percentage points from 23% to 41% for the same time period.

Description of any Modifications or Changes to Methods and Strategies:

No modifications or changes to Methods and Strategies

2010-11 New Accountability Measure and Timelines

Increase the number of Black students in grades 9-12 enrolling in Honors courses by 5 percentage points by the 2011-12 School Year.

Increase the number of Hispanic students in grades 9-12 enrolling in Honors courses by 5 percentage points by the 2011-12 School Year.

Increase the number of Black Male students in grades 9-12 enrolling in Honors courses by 5 percentage points by the 2011-12 School Year.

Increase the number of Hispanic Male students in grades 9-12 enrolling in Honors courses by 5 percentage points by the 2011-12 School Year.

(6) Grades 9-12, Other Level 3 Courses

The following percentages reflect within race/ethnicity calculations for students enrolled in Level 3 courses. In 2006-07, 24% of Whites, 15% of Blacks, and 13% of Hispanics were enrolled. In 2007-08, 22% of White Males, 12% of Black Males, and 10% of Hispanic Males were enrolled. In 2010-11, 49% of Whites (an increase of 25 percentage points), 25% of Blacks (an increase of 10 percentage points), 33% of Hispanics (an increase of 20 percentage points), 28% of White Males (an increase of 6 percentage points), 23% of Black Males (an increase of 11 percentage points), and 13% of Hispanic Males (an increase of 3 percentage points) were enrolled.

Grades 9-12 Total Enrollment 2010-11 (2527)

<i>White</i>	<i>Black</i>	<i>Hispanic</i>		
1518(60%)	251(10%)	671(27%)		
Whites	Whites	Whites	Whites	Whites
In Level 3	In Level 3	In Level 3	In Level 3	In Level 3
2006-07	2007-08	2008-09	2009-10	2010-11
24% (386)	22% (354)	20% (322)	45% (688)	49% (741)
White Males	White Males	White Males	White Males	
In Level 3	In Level 3	In Level 3	In Level 3	
2007-08	2008-09	2009-10	2010-11	
22% (177)	19% (156)	23% (180)	28% (215)	
Blacks	Blacks	Blacks	Whites	Blacks
In Level 3	In Level 3	In Level 3	In Level 3	In Level 3
2006-07	2007-08	2008-09	2009-10	2010-11
15% (38)	11% (28)	14% (39)	23% (58)	25% (64)
Black Males	Black Males	Black Males	Black Males	
In Level 3	In Level 3	In Level 3	In Level 3	
2007-08	2008-09	2009-10	2010-11	
12% (18)	14% (22)	18% (27)	23% (32)	
Hispanics	Hispanics	Hispanics	Whites	Hispanics
In Level 3	In Level 3	In Level 3	In Level 3	In Level 3
2006-07	2007-08	2008-09	2009-10	2010-11
13% (70)	11% (66)	14% (89)	28% (180)	33% (223)
Hisp. Males	Hisp. Males	Hisp. Males	Hisp. Males	
In Level 3	In Level 3	In Level 3	In Level 3	
2007-08	2008-09	2009-10	2010-11	
10% (33)	15% (52)	17% (57)	13% (45)	

Methods/Strategies from the 2009-10 Update.

All strategies referred to in all the other categories will apply to Level 3 course data

Evidence of Success

The evaluation reveals progress in increasing enrollment in Level 3 courses for Black and Hispanic students in grades 9-12th. Black students increased by 10 percentage points, from 13% in 2006-07 to 23% in 2010-11; Hispanic students also increased by 20 percentage points from 13% to 33% for the same time period. The evaluation reveals progress in increasing enrollment in Level 3 courses for Black and Hispanic Male students in grades 9-12th as well. Black Male students increased by 11 percentage points, from 12% in 2006-07 to 23% in 2010-11; Hispanic Male students increased by 3 percentage points from 10% to 13% for the same time period.

Description of any Modifications or Changes to Methods and Strategies:

No changes or modifications to Methods and Strategies

2010-11 New Accountability Measure and Timelines

Increase the number of Black students in grades 9-12 enrolling in Level 3 courses by 5 percentage points by the 2011-12 School Year.

Increase the number of Hispanic students in grades 9-12 enrolling in Level 3 courses by 5 percentage points by the 2011-12 School Year.

Increase the number of Black Male students in grades 9-12 enrolling in Level 3 courses by 5 percentage points by the 2011-12 School Year.

Increase the number of Hispanic Male students in grades 9-12 enrolling in Level 3 courses by 5 percentage points by the 2011-12 School Year.

PART IV: GENDER EQUITY IN ATHLETICS

Athletics Compliance Verification

The 2010-11 Annual Update included the Compliance Verification Form signed and dated by the superintendent.
 X yes no

(Please attach the form to the report.)

A. If the verification form (**Page 12 of the Technical Assistance Manual**) indicates that all district schools are in compliance, you must still submit a monitoring form (**found on Page 13 of the Technical Assistance Manual**) for each school.

B. If the form indicates that the district is not in compliance with all components required by Title IX and the Florida Educational Equity Act then, each school that is out of compliance must also submit a **Corrective Action Plan (Page 14 of the Technical Assistance Manual)**.

C. If the district submitted corrective action plans as part of the 2009-10 Equity Update, it should submit updated Corrective Action Plans to show the current status/progress of the corrective action and evidence of completion.

The 2009-10 Annual Update included corrective action plan(s) for the following school(s) signed and dated by the principal(s) and superintendent:

(Please attach corrective action plans with the appropriate signatures).

Part V: COURSE SUBSTITUTIONS (Districts with Vocational Education Centers)

If the district operates vocational technical center(s), please complete the chart describing the type and number of substitutions requested and granted for 2010-11.

Does the district operate vocational technical center(s)? YES NO

Disability	Number of Requests for Substitution	Title of Courses for Which Substitutions were Granted	Title of Substitution Courses	Number of Students Granted Substitutions

PART VI: EMPLOYMENT EQUITY

A. Complete the following charts for administrative and instructional positions in the school district. Enter the number and percent for each race/ethnicity and gender. Count each person only once under one category.

District: Monroe		2010-11 School District Administrative Positions					
Administrative Positions	Total	# & % Black	# & % Hispanic	# & % White	# & % Other	# & % Female	# & % Male
Student Demographics	8319	842 (10%)	2636 (32%)	4487 (54%)	354 (4%)	3989 (48%)	4330 (52%)
District-Level Administrators	20	0 (0%)	2(10%)	18 (90%)	0 (0%)	10(50%)	10 (50%)
New Hires for 2010	6	0 (0%)	1(17%)	5 (83%)	0 (0%)	3(50%)	3(50%)
Principals							
Elementary	4	0 (0%)	2 (50%)	2 (50%)	0 (0%)	2 (50%)	2 (50%)
Middle	4	1 (25%)	1 (25%)	2 (50%)	0(0%)	2 (50%)	2 (50%)
High School	3	0 (0%)	1 (33%)	2 (67%)	0 (0%)	1 (33%)	2 (67%)
Other Schools	1	0 (0%)	1 (100%)	0 (0%)	0 (0%)	1 (100%)	0 (0%)
Total Principals	12	1 (8%)	5(42%)	6 (50%)	0 (0%)	6 (50%)	6 (50%)
Asst. Principals							
Elementary	4	0(0%)	2 (50%)	2 (50%)	0 (0%)	2 (50%)	2 (50%)
Middle	3	0 (0%)	0 (0%)	2 (67%)	1 (33%)	1 (33%)	2 (67%)
High School	7	0(0%)	2 (29%)	5 (71%)	0 (0%)	5 (71%)	2 (29%)
Other School	0	0 (%)	0 (%)	0 (%)	0 (%)	0 (%)	0 (%)
Total Asst. Principals	14	0 (0%)	4 (29%)	9 (64%)	1 (7%)	8 (57%)	6 (43%)
Deans and/or Behavioral Specialists*							
Elementary	0	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Middle	0	0 (0%)	0 (%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
High School	0	0 (0%)	0 (%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Other School	1	0 (0%)	0 (%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Total Deans and Behavioral Specialists	1	1(100%)	0 (%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)

* Includes persons responsible for discipline at the school site, usually the Dean or Asst. Principal for Discipline (who should also be counted as Asst. Principals above) at the middle or high school, or the Behavioral Specialist at the elementary school level (who may also be counted as a teacher or counselor).

District: Monroe		2010-11 School District Instructional Positions					
Teachers Fall 2010	Total	# & % Black	# & % Hispanic	# & % White	# & % Other	# & % Female	# & % Male
Student Demographics	8319	842 (10%)	2636 (32%)	4487 (54%)	354 (4%)	3989 (48%)	4330 (52%)
Classroom Teachers							
Elementary	223	3 (1%)	29 (13%)	182 (82%)	9 (4%)	209 (94%)	14 (6%)
Middle	94	0 (0%)	14 (15%)	77 (82%)	3 (3%)	78 (83%)	16 (17%)
High	139	4 (3%)	37 (27%)	89 (64%)	9 (6%)	85 (61%)	54 (39%)
Other	144	2 (1%)	22 (15%)	115 (80%)	5 (3%)	126 (87%)	18 (13%)
Total	600	9 (2%)	102 (17%)	463 (77%)	26 (4%)	498 (83%)	102 (17%)
New Hires Fall 2010	62	1 (1.5%)	10 (16%)	50 (81%)	1 (1.5%)	47(76%)	15(24%)
Guidance Counselors							
Elementary	4	0 (0%)	1 (25%)	3 (75%)	0 (0%)	4 (100%)	0 (0%)
Middle	4	0 (0%)	0 (0%)	4 (100%)	0 (0%)	3 (75%)	1 (25%)
High	10	0 (0%)	1 (10%)	9 (90%)	0 (0%)	10 (100%)	0 (0%)
Other	1	0 (0%)	0 (0%)	1 (100%)	0 (0%)	1 (100%)	0 (0%)
Total	19	0 (0%)	2 (11%)	17# (89%)	0 (0%)	2 (11%)	17 (89%)
New Hires Fall 2010	5	0 (0%)	0 (0%)	5(100%)	0(0%)	5(100%)	0(0%)

B. As has been the case over the last two years, although we have worked hard to recruit minorities, MCSD has had difficulty in attracting minority candidates to fill teacher and administrator positions. This was a consideration in the district decision to partner with Careerbuilder.com. This partnership will help to increase the amount of Diversity traffic being driven to our website. There is a large list of these diversity sites but some of the most important include BET.com, Univision.com, Vibe.com, MSNLatino.com, The African American connection, Afronet.com, Terra.com, and Hispanicjobs.com. Since the survey date that this report is based on we have hired a male Hispanic high school principal. We do not foresee any additional new hires as we are cutting staff due to budget constraints. We will however continue to partner with Careerbuilder.com.

PART VII: SINGLE-GENDER SCHOOLS AND CLASSES

Does the district operate single-gender schools or classes? Yes No

Respond to the questions below regarding single-gender education in your district. If applicable, complete the chart(s) with the data for single-gender schools or classes.

Questions about the implementation of Title IX especially as they apply to single-gender education:

- Does the district offer single-gender education?

There is one single-gender school (Keys Center Academy) located on the local community college campus. There are two Keys Center Academy outreach programs at secondary school locations: Coral Shores High School offers both male and female gender-specific classes, Marathon High School offers both male and female gender-specific classes at the 7th through 12th grade levels.

- How is single-gender education being justified?

Growth has been based on school district direction and expansion of a successful contracted services Dropout Prevention gender-specific model for girls which had operated for eleven years in the school district (PACE Center for Girls, Inc) and was forced to close due to budget cuts at the state level. The program under Keys Center Academy continues with a high level of success with individualized academic and counseling components for students at high risk of dropping out of school. Significant positive gains continue to be made by program participants.

- How does the district keep track of single-gender public education?
The district's Dropout Prevention Supervisor tracks and reports program outcomes for the Keys Center Academy.
- What does the district do to insure there is no illegal sex segregation in education?
The Keys Center Academy is entirely voluntary.
- Is single-gender education intended to decrease sex discrimination in the outcomes?
Single-gender education is a strategy used to keep at-risk students in school. Keys Center Academy is expanding according to a plan to provide gender equity across the district and access for both sexes.
- Do the schools provide comparable co-educational options?
Keys Center Academy outreach programs are located in the Upper, Middle and Lower Keys.
- How are single-gender educational options reviewed, monitored, and evaluated to insure that they are legal?
The Dropout Prevention Supervisor for the school district reviews, monitors and evaluates the Keys Center Academy program. Program staff submit monthly reports.
- Who is involved in the evaluations and guidance on the implementation of single-gender education?
The Dropout Prevention Supervisor in collaboration with secondary Principals who have KCA outreach programs located on campus
- What assurances are provided to insure that single-gender or co-educational options are completely voluntary?
Keys Center Academy eligibility criteria and placement procedures include specific requirements consistent with these assurances.
- Are there pre-implementation reviews of proposed single-gender education?
Yes, as the Keys Center Academy program expands, the Dropout Prevention Supervisor prepares and presents proposals to the Superintendent and Executive Director Team and plans accordingly.
- What entities review and approve single-gender options, and what standards do they use?
School District Instructional Services and Executive Directors review and approve. The Keys Center Academy program is based on USDOE Researched-Based Education Practices On-Line <http://dww.ed.gov/>
- Is there assistance from external groups for training or consultation? No
- How does the district monitor to insure that single-gender education is not contributing to gender stereotypes or sex discrimination in outcomes? For example, is data provided on girls compared to boys, or on any other populations, such as low-income minority boys compared to low-income minority girls?
To date, the available data has not been statistically significant due to the low number of students participating.
- Do you or anyone else monitor to learn if there is equity between and among the single-gender groupings and the mixed-sex alternatives on equity measures?

Please see response on item above

- Please share information on why the district or school decided to eliminate single-gender education? ***This is only for those district(s) or school(s) that discontinued single-gender education.**

A. In the chart below enter the names of any single-gender schools operating in the district and the number of students enrolled.

District:	2010-11 Single-Gender Schools	
School Name	Male Enrollment	Female Enrollment
Keys Center Academy @ FKCC		25

B. In the chart below enter the number of classes and enrollments in all classes for courses for which single-gender classes are offered at co-educational schools in the district.

School Name:	Coral Shores High School					
2010-11	Male students only		Female students only		Co-Ed students	
Grade/Course	# of Classes/Sections	# of Students	# of Classes/Sections	# of Students	# of Classes/Sections	# of Students
9-12 Credit Retrieval	1	12	1	15	1	10
9-12 English	1	10	1	6	4	80
9-12 Social Studies	1	7	1	9	4	76
School Name:	Marathon High School					
8 Social Studies	1	12	1	9	5	100
9-12 Credit Retrieval	1	7	1	8	0	0
8 Academic Support	1	10	1	8	0	0

GENERAL RANGE OF KNOWLEDGE, SKILLS AND DUTIES OF THE EQUITY OFFICER

Please note that this list gives a general idea, but it is not all-inclusive

- Knowledge of current trends and issues in educational equity, access and civil rights and anti-discrimination laws.
- Ability to research, develop, and apply/implement educational equity policies and procedures.

- Ability to design, develop and present effective training and educational programs to a variety of audiences on the full range of equal educational opportunity and diversity topics.
- Ability to design, market and evaluate the effectiveness of programs, methods and strategies geared towards narrowing minority/non-minority educational achievement gaps.
- Ability to appropriately handle and resolve discrimination and related complaints through formal and informal processes through counseling, fact finding, investigation, or mediation.
- Knowledge of equitable recruiting, hiring and retention policies, procedures and practices.
- Ability to facilitate a variety of group discussions, including focus group and brainstorming sessions.
- Ability to provide leadership and education to promote a climate conducive to the expansion of diversity.
- Ability to generate technical reports, including reports to senior management on equity and diversity projects.
- Knowledge of, and ability to work with, a variety of office units, federal and state agencies and other organizations.
- Knowledge of how to organize and edit material and reports for publication and dissemination.
- Knowledge and skills to reach out to various community members, associations and businesses using a variety of approaches.
- Knowledge of, and insight into, the issues involved in fostering an environment that promotes equal access and opportunity for achievement among all members of the campus or school district community.
- Ability to make public presentations and customize them to a wide variety of audiences, to school boards, PTO, and various members of the community.
- Excellent oral, written, interpersonal and customer service skills.
- Analytical, problem-solving and decision-making skills.

The Florida Educational Equity Act. Section 1000.05, F.S. Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.

(1) This section may be cited as the "Florida Educational Equity Act."

(2)(a) Discrimination on the basis of race, ethnicity, national origin, gender, disability, or marital status against a student or an employee in the state system of public K-20 education is prohibited. No person in this state shall, on the basis of race, ethnicity, national origin, gender,

disability, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.

(b) The criteria for admission to a program or course shall not have the effect of restricting access by persons of a particular race, ethnicity, national origin, gender, disability, or marital status.

(c) All public K-20 education classes shall be available to all students without regard to race, ethnicity, national origin, gender, disability, or marital status; however, this is not intended to eliminate the provision of programs designed to meet the needs of students with limited proficiency in English, gifted students, or students with disabilities or programs tailored to students with specialized talents or skills.

(d) Students may be separated by gender for any portion of a class that deals with human reproduction or during participation in bodily contact sports. For the purpose of this section, bodily contact sports include wrestling, boxing, rugby, ice hockey, football, basketball, and other sports in which the purpose or major activity involves bodily contact.

(e) Guidance services, counseling services, and financial assistance services in the state public K-20 education system shall be available to students equally. Guidance and counseling services, materials, and promotional events shall stress access to academic, career and technical opportunities for students without regard to race, ethnicity, national origin, gender, disability, or marital status.

(3)(a) No person shall, on the basis of gender, be excluded from participating in, be denied the benefits of, or be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club, or intramural athletics offered by a public K-20 educational institution; and no public K-20 educational institution shall provide athletics separately on such basis.

(b) Notwithstanding the requirements of paragraph (a), a public K-20 educational institution may operate or sponsor separate teams for members of each gender if the selection for such teams is based upon competitive skill or the activity involved is a bodily contact sport. However, when a public K-20 educational institution operates or sponsors a team in a particular sport for members of one gender but does not operate or sponsor such a team for members of the other gender, and athletic opportunities for that gender have previously been limited, members of the excluded gender must be allowed to try out for the team offered.

(c) This subsection does not prohibit the 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 gender. However, when use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one gender, the educational institution shall use appropriate standards which do not have such effect.

(d) A public K-20 educational institution which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both genders. In determining whether equal opportunities are available, the Commissioner of Education shall consider, among other factors:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both genders.
2. The provision of equipment and supplies.
3. Scheduling of games and practice times.
4. Travel and per diem allowances.
5. Opportunities to receive coaching and academic tutoring.
6. Assignment and compensation of coaches and tutors.
7. Provision of locker room, practice, and competitive facilities.
8. Provision of medical and training facilities and services.
9. Provision of housing and dining facilities and services.
10. Publicity.

Unequal aggregate expenditures for members of each gender or unequal expenditures for male and female teams if a public K-20 educational institution operates or sponsors separate teams do not constitute non-implementation of this subsection, but the Commissioner of Education shall consider the failure to provide necessary funds for teams for one gender in assessing equality of opportunity for members of each gender.

(e) A public K-20 educational institution may provide separate toilet, locker room, and shower facilities on the basis of gender, but such facilities shall be comparable to such facilities provided for students of the other gender.

(4) Educational institutions within the state public K-20 education system shall develop and implement methods and strategies to increase the participation of students of a particular race, ethnicity, national origin, gender, disability, or marital status in programs and courses in which students of that particular race, ethnicity, national origin, gender, disability, or marital status have been traditionally underrepresented, including, but not limited to, mathematics, science, computer technology, electronics, communications technology, engineering, and career and technical education.

(5) The State Board of Education shall adopt rules to implement this section.

(6) The functions of the Office of Equal Educational Opportunity of the Department of Education shall include, but are not limited to:

(a) Requiring all district school boards, community college boards of trustees, and state university boards of trustees to develop and submit plans for the implementation of this section to the Department of Education.

(b) Conducting periodic reviews of public K-20 educational agencies to determine compliance with this section and, after a finding that an educational agency is not in compliance with this section, notifying the agency of the steps that it must take to attain compliance and performing follow-up monitoring.

(c) Providing technical assistance, including assisting public K-20 educational agencies in identifying unlawful discrimination and instructing them in remedies for correction and prevention of such discrimination and performing follow-up monitoring.

(d) Conducting studies of the effectiveness of methods and strategies designed to increase the participation of students in programs and courses in which students of a particular race, ethnicity, national origin, gender, disability, or marital status have been traditionally underrepresented and monitoring the success of students in such programs or courses, including performing follow-up monitoring.

(e) Requiring all district school boards, community college boards of trustees, and state university boards of trustees to submit data and information necessary to determine compliance with this section. The Commissioner of Education shall prescribe the format and the date for submission of such data and any other educational equity data. If any board does not submit the required compliance data or other required educational equity data by the prescribed date, the commissioner shall notify the board of this fact and, if the board does not take appropriate action to immediately submit the required report, the State Board of Education shall impose monetary sanctions.

(f) Based upon rules of the State Board of Education, developing and implementing enforcement mechanisms with appropriate penalties to ensure that public K-12 schools, and community colleges, and state universities comply with Title IX of the Education Amendments of 1972 and subsection (3) of this section. However, the State Board of Education may not force an educational agency to conduct, nor penalize an educational agency for not conducting, a program of athletic activity or athletic scholarship for female athletes unless it is an athletic activity approved for women by a recognized association whose purpose is to promote athletics and a conference or league exists to promote interscholastic or intercollegiate competition for women in that athletic activity.

(g) Reporting to the Commissioner of Education any district school board, community college board of trustees, or state university board of trustees found to be out of compliance with rules of the State Board of Education adopted as required by paragraph(f) or paragraph (3)(d). To penalize the board, the State Board of Education shall:

1. Declare the educational agency ineligible for competitive state grants.
2. Notwithstanding the provisions of s. 216.192, direct the Comptroller to withhold general revenue funds sufficient to obtain compliance from the educational agency. The educational agency shall remain ineligible and the funds shall not be paid until the agency comes into compliance or the State Board of Education approves a plan for compliance.

(7) A person aggrieved by a violation of this section or a violation of a rule adopted under this section has a right of action for such equitable relief as the court may determine. The court may also award reasonable attorney's fees and court costs to a prevailing party.

Effective 01-07-2003
RULES OF DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

CHAPTER 6A-19

EDUCATIONAL EQUITY

6A-19.001	Scope, Coverage and Definitions
6A-19.002	Treatment of Students
6A-19.003	Health Services
6A-19.004	Interscholastic, Intercollegiate, Club and Intramural Athletics
6A-19.005	Student Financial Assistance
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6A-19.009	Personnel
6A-19.010	Strategies to Overcome Underrepresentation

6A-19.001 Scope, Coverage and Definitions.

Chapter 6A-19, F.A.C., implements Section 1000.05, Florida Statutes, which prohibits discrimination on the basis of race, sex, national origin, marital status or handicap against a student or employee in the state system of public education, as defined in Section 1000.05(1), Florida Statutes. The following definitions shall apply:

(1) Activity. Any organized academic, vocational, athletic, co-curricular or extracurricular pursuit, undertaking or assignment conducted under the authority or direction of an institution within the state system of public education.

(2) Admission. Selection for part-time, full-time, special, associate, transfer, exchange or any other enrollment, participation or matriculation, in or at, an education program or activity conducted under the authority or direction of an institution within the state system of public education.

(3) Department. Florida Department of Education.

(4) Discrimination.

(a) Discrimination shall include:

1. Limiting, segregating or classifying students, employees, applicants for admission, or applicants for employment, in such a way as to deprive individuals of educational or employment opportunities or otherwise adversely affect individuals because of their race, sex, national origin, marital status or handicap;

2. Denying educational or employment opportunities to individuals because of their race, sex, national origin, marital status or handicap;

3. Providing unequal educational or employment opportunities to individuals because of their race, sex, national origin, marital status or handicap;

4. Providing unnecessarily separate educational programs or activities for individuals because of their race, sex, national origin, marital status or handicap;

5. Entering into contractual or other arrangements which utilize criteria or administrative methods which have the effect of subjecting individuals to discrimination or which otherwise adversely affect individuals because of their race, sex, national origin, marital status or handicap;

6. The application of any policy or procedure, or taking of any admission or employment action, that

adversely affects a qualified handicapped person as a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on their handicap;

7. The application of any policy or procedure, or taking of any admission or employment action concerning the potential or actual marital status of a student, employee or applicant for admission or employment that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students or a group of employees on the basis of potential or actual marital status, or on the basis of head of household or principal wage earner status; however, reasonable practices prohibiting nepotism shall not constitute marital status discrimination;

8. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on ancestry or place of birth or of cultural, or linguistic characteristics of a national origin group;

9. The application of any policy or procedure, or taking of an admission action, that adversely affects a student, or applicant for admission, belonging to a national origin minority group, unnecessarily based on limited-English-language skills;

10. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on their race/ethnic category;

11. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on their gender.

(b) Any policy or procedure, or any admission or employment action, which can be shown to be predictive of, or significantly correlated with, essential elements of work behavior or program participation shall not constitute discrimination. See subsections 6A-19.002(2) and 6A-19.009(8), F.A.C.

(c) Efforts or measures developed by institutions to correct patterns of segregation, patterns of nonparticipation or underrepresentation among a race, sex, marital status, national origin or handicap group shall not constitute discrimination. Quotas, however, shall not be used.

(5) Disproportionate Enrollment. The actual enrollment of students of a particular race, sex, national origin or handicap differs from the appropriate pool of potential students, as determined by the governing board, by race, sex, national origin or handicap by more than two standard deviations.

(6) Handicapped Person. Any person who has a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

(a) Physical or mental impairment.

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or

2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(b) Major life activities. Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(c) Has a record of such an impairment. Has a history of, or has been incorrectly classified as having, a mental or physical impairment that substantially limits one or more major life activities.

(d) Is regarded as having an impairment.

1. Has a physical or mental impairment that does not substantially limit major life activities but that is treated by an institution as constituting such a limitation;

2. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others and, therefore, is treated by an institution as having such an impairment.

(7) Institution. An individual school, as defined in Section 1000.05(4), Florida Statutes, or the school district, as the context may require; a community college; a university or any other state-supported entity primarily of an educational nature, e.g., the Florida School for the Deaf and the Blind.

(8) Minority. Any individual belonging to one of the following race/ethnic categories: Black, Not of Hispanic Origin; Hispanic; Asian or Pacific Islander; American Indian or Alaska Native.

(9) Office of Equity and Access. The Department of Education work unit, otherwise known as the Office of Equity and Access, specifically designated to administer the Department's implementation activities as defined in Section 1000.05(6), Florida Statutes, except to the extent those duties may be delegated by the Commissioner of Education to the Chancellor of the State University System pursuant to Section 1000.05, Florida Statutes.

(10) Qualified Handicapped Person.

(a) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question;

(b) With respect to public preschool, elementary, secondary or adult programs, services and activities, a handicapped person of an age during which nonhandicapped persons are provided services, or of any age during which it is mandatory under federal or Florida law to provide services to handicapped persons;

(c) With respect to postsecondary programs, services and activities, a handicapped person who meets the academic and nonacademic admissions criteria requisite to participation.

(11) Race/Ethnic Categories. A person may be included in the race/ethnic group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. No person shall be included in more than one race/ethnic group. The race/ethnic categories to be used are:

(a) White, Not of Hispanic Origin – All persons having origins in any of the original peoples of Europe, North Africa or the Middle East.

(b) Black, Not of Hispanic Origin – All persons having origins in any of the Black racial groups of Africa.

(c) Hispanic – All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

(d) Asian or Pacific Islander – All persons having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

(e) American Indian or Alaska Native – All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

(12) Reasonable Accommodation. Changes in the work environment which allow a qualified handicapped employee to perform the essential tasks of the job if making those changes does not impose an undue hardship on the operation of the institution. Reasonable accommodation may include: making facilities used by employees readily accessible to and usable by handicapped persons, job structuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. In determining whether an accommodation would impose an undue hardship on the operation of an institution's program, factors to be considered include: the overall size of the institution with respect to number of employees, number and type of facilities, and size of budget; the type of operation, including the composition and structure of the workforce; and the nature and cost of the accommodation needed.

(13) Selection Criteria. Any measure, combination of measures, or procedure used as a basis for any decision on eligibility for admission, for participation in programs, services or activities, or for employment and promotion. Selection criteria include the full range of assessment techniques including course grades; performance tests; paper and pencil tests; training programs; probationary periods; physical, education and work experience requirements; formal or informal interviews; evaluation by prior teachers or employers; and scored or unscored applications.

(14) Student. Any person who is enrolled in any instructional program or activity conducted under the

authority or direction of an institution which is a part of the state system of public education.

Specific Authority 1000.05(5), 1001.02 FS. Law Implemented 1000.05, 1001.02(1) FS. History--New 4-17-85, Formerly 6A-19.01.

6A-19.002 Treatment of Students - General.

All guidance, counseling, financial assistance, academic, career and vocational programs, services and activities offered by each institution shall be offered without regard to race, sex, national origin, marital status or handicap. There shall be no discrimination in recreational, athletic, co-curricular or extracurricular activities.

(1) Guidance and Counseling. Each institution shall assure that, in guidance and counseling practices, there is no discrimination on the basis of race, sex, national origin, marital status or handicap. Factors of race, sex, national origin, marital status or handicap shall not be used to encourage or discourage a student's enrollment in a particular program or participation in a particular activity or to measure or predict a student's prospects for success in any career, occupation, program, course or activity.

(a) If particular programs or disciplines have disproportionate enrollments of male or female students, minority or nonminority students, or handicapped students, the institution shall examine its policies, procedures and practices to determine whether the disproportion is the result of discriminatory counseling activities.

(b) Qualified handicapped students shall not be counseled toward more restrictive career or academic objectives than nonhandicapped students with similar abilities and interest. This requirement does not preclude the providing of factual information, at the postsecondary level, about licensing or certification requirements that may present obstacles to handicapped persons in their pursuit of particular careers.

(c) Counselors shall communicate with national origin minority students having limited-English-language skills and with students having hearing impairments. This requirement may be satisfied by having interpreters available.

(d) Counseling materials and other publications used by the institution shall not state or imply through text or illustration, that applicants, students or employees are treated differently on the basis of race, sex, national origin, marital status or handicap. This does not prohibit the inclusion of information designed to meet the needs of national origin minority students with limited-English-language skills, handicapped students needing special services or as may be appropriate for affirmative action purposes.

(e) Appraisal instruments selected by the institution shall not discriminate based on race, sex, national origin, marital status or handicap. Counseling tests and instruments, which result in disproportionate enrollment in any course or program, shall be examined by the institution for discrimination in the instrument or in its application. Institutions are not required to conduct additional examination of state-required instruments.

(f) Institutions which use testing or other materials for appraising or counseling students shall not use different materials for students on the basis of sex or use materials which permit or require different treatment of students on this basis unless these different materials cover the same occupations and interest areas and the use of these different materials is shown to be essential to eliminate sex bias.

(g) Promotional efforts, including activities of school officials, counselors, instructional staff, school-related parent groups, school-related community or business groups, shall not be conducted in a manner that states or implies that the institution restricts access to its programs, activities or services on the basis of race, sex, national origin, marital status or handicap. Promotional efforts include, but are not limited to, career awareness activities, open houses, parent programs, shop and laboratory demonstrations, student visitations and summer camps.

(h) Promotional or counseling materials and activities shall not state or imply, through text or illustration, that access to those programs, services or activities is restricted on the basis of race, sex, national origin, marital status or handicap.

(i) Student recruitment activities shall be conducted so as not to exclude or limit opportunities on the

basis of race, sex, national origin, marital status or handicap.

(2) Admission to Courses, Programs and Activities. Institutions shall not base admission decisions on race, sex, national origin, marital status or handicap. Special selection criteria for admission within the institution for participation in programs or courses shall be related to program standards or requirements. If it has been empirically demonstrated that a selection criterion which has an adverse impact is predictive of success during the program, course or activity, and that there has been a reasonable search for equally valid criteria which do not have a disproportionate adverse impact, or if the criterion is required by law, then the criterion shall not be considered discriminatory. Selection criteria for admission, which are in use on the effective date of this rule, shall not be considered discriminatory if demonstrated to be predictive of success within one year from the effective date of this rule.

(a) Race or National Origin. No person, on the basis of race or national origin, shall be excluded from participation in, denied benefits of, or subjected to discrimination in any course, program, service or activity operated under the authority or direction of an institution within the state system of public education.

1. Institutions shall not unnecessarily restrict admission to vocational, career or academic programs solely because the applicant, as a member of a national origin minority with limited-English-language skills, cannot participate in and benefit from instruction to the same extent as a student whose primary language is English, except as provided in subsection 6A-19.002(2), F.A.C.

2. If there is a concentration of national origin minority students with limited-English-language skills, as determined by the institution, in particular programs, services or activities, then the institution shall examine its policies, procedures and practices to determine whether the concentration is the result of discrimination at the institution.

(b) Sex or Marital Status. No person, on the basis of sex or marital status, shall be excluded from participation in, denied benefits of, or subjected to discrimination under any course, program, service or activity operated under the authority or direction of an institution within the state system of public education.

1. Preference shall not be given to one person over another on the basis of sex by establishing numerical limitations of the number or proportion of persons of either sex. Exempt from this provision are membership practices of YMCA, YWCA, YMHA, YWHA, Girl Scouts, Boy Scouts, Camp Fire Girls, social fraternities and social sororities at institutions of higher education, and the membership practices of voluntary youth service organizations whose membership has traditionally been limited to persons of one sex and principally to persons of less than 19 years of age.

2. Students shall not receive different treatment based on their parental, family or marital status. Students shall not be excluded from any course, program, service or activity because of pregnancy, parental, family or marital status.

3. Participation in any separate program of instruction for pregnant students shall be voluntary on the part of the student. Any such separate program of instruction provided to pregnant students shall be comparable to the regular program of instruction and in no way limit the student's academic, career, vocational or extracurricular options.

4. Pregnancy and childbirth shall be treated in the same manner as temporary disabilities with respect to, but not limited to, requirements for a physician's certificate to return to the institution, medical and hospital benefits, or policies and procedures of the institution.

5. In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, no preadmission inquiry as to the marital or family status of an applicant for admission, including number of dependents and whether such applicant is "Miss" or "Mrs.," shall be made.

6. In determining whether a person satisfies any policy or criterion for admission, no rules shall be applied concerning the actual or potential parental, family or marital status of a student or applicant.

(c) Handicap. No qualified handicapped person shall be excluded from participation in, denied

benefits of, or subjected to discrimination under any course, program, service or activity, operated under the authority or direction of an institution within the state system of public education solely on the basis of handicap. Each program, service and activity shall be operated so that the program, service or activity, when viewed in its entirety, is readily accessible to handicapped persons.

1. Qualified handicapped persons shall not be denied access to vocational, career or academic programs, courses, services or activities because of architectural or equipment barriers, or because of the need for auxiliary aids or related aids and services. Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Institutions need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

2. Access to vocational and academic programs or courses shall not be denied to qualified handicapped students on the basis that employment opportunities in any occupation or profession may be more limited for handicapped persons than for nonhandicapped persons.

3. In administering admissions policies, each institution shall assure that admissions tests are selected and administered so as best to ensure that, when a test is administered to an applicant who has a handicap that impairs sensory, manual or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual or speaking skills, except where those skills are the factors that the test purports to measure. Admissions tests that are designed for persons with impaired sensory, manual or speaking skills shall be offered as often, and in as timely a manner, as are other admissions tests. Admissions tests shall be administered in facilities that, on the whole, are accessible to handicapped persons.

4. Institutions shall make such modifications to its academic requirements as are necessary to ensure that they do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by the student, or to any directly related licensing requirement, will not be regarded as discriminatory. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

5. Institutions shall not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the institution's education program or activity.

6. In course or program examinations, or other procedures for evaluating students' academic achievement in its program, the institution shall provide methods for evaluating the achievement of students who have a handicap that impairs sensory, manual or speaking skills which will ensure that the results of the evaluation represents the student's achievement in the course or program, rather than reflecting the student's impaired sensory, manual or speaking skills, except where those skills are the factors that the test purports to measure.

7. A postsecondary institution shall not make preadmission inquiry as to whether an applicant is a handicapped person except when the institution is taking remedial steps to increase the participation of handicapped persons in programs and courses in which handicapped students have been traditionally underrepresented as specified in Section 1000.05(4), Florida Statutes, and under those conditions all written and oral inquiries must make clear that the information requested is intended for use solely in connection with remedial steps; the information is being requested on a voluntary basis; the information will be kept confidential as required by federal law; and that refusal to provide such information will not subject the applicant to any adverse treatment. However, after admission, an institution may make inquiries on a confidential basis as to handicaps that may require accommodation.

8. Nonacademic, co-curricular, extracurricular and physical education services and activities shall be

provided in such a manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

9. An institution that offers physical education or that operates or sponsors interscholastic activities, clubs, intercollegiate or intramural athletics shall provide an equal opportunity for participation to qualified handicapped students.

10. Physical education and athletic activities that are separate or different from those offered to nonhandicapped students may be offered only if the institution can show that this is necessary to meet the needs of the handicapped students. Qualified handicapped students shall be provided the opportunity to compete for teams or to participate in physical education courses or activities that are not separate or different.

11. In choosing among available methods to ensure that programs, services and activities are accessible, priority shall be given to those methods that offer programs, services and activities to handicapped persons in the most integrated setting appropriate.

12. Any facilities, services or activities that are identifiable as being for handicapped persons shall be comparable to other facilities, services and activities.

13. Access to information regarding admission to programs, courses and activities shall be provided to handicapped persons.

14. Any activity or program which is not operated by the institution but which is considered a part of, or equivalent to, an institution's program, shall be operated in a manner which provides equal opportunities to qualified handicapped persons.

Specific Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1000.05(2), 1001.02(1), 1004.65 FS. History—New 3-11-85, Formerly 6A-19.02.

6A-19.003 Health Services.

When health services or other related services are provided for students, the services shall be provided in a manner which does not discriminate on the basis of race, sex, national origin, marital status or handicap. Institutions are not required to provide specialized services and aids to handicapped persons in health programs. If, for example, an infirmary treats only simple disorders such as cuts, bruises and colds, its obligation to handicapped persons is to treat such disorders for them.

(1) If health services are provided for students, handicapped students shall be provided the opportunity to participate in the services at no greater cost than to nonhandicapped.

(2) If comprehensive health care services are provided, said services shall be available for maternity or pregnancy related reasons and for handicapped students in the same manner and at the same cost as for other students.

(3) Handicapped students who receive health or other related services need not receive those general health screenings which would be duplicative or less intensive than screenings or evaluations they have already received in the development of their educational plans.

Specific Authority 1000.05, 1001.02(1) FS. Law Implemented 1000.05(2), 1001.02(1), 1004.65(6)(c) FS. History—New 3-11-85, Formerly 6A-19.03.

6A-19.004 Interscholastic, Intercollegiate, Club and Intramural Athletics.

The Commissioner shall require that governing boards include all factors identified in Section 1000.05(3), Florida Statutes, in the plans for implementation required of governing boards under subsection 6A-19.010(1), F.A.C., and shall require that those factors be included in the periodic reviews conducted under subsection 6A-19.010(2), F.A.C.

(1) Gender equity in athletics at all levels of public education shall be defined as: Gender equity in athletics is the fair distribution of overall athletic opportunity and resources, substantially proportionate to the enrollment of males and females, so that no student athlete, coach or athletic administrator is discriminated against in an athletic program on the basis of gender.

(2) Accommodation of interest and abilities. The level of participation for male and female students shall be provided in numbers substantially proportionate to their enrollment in the institution.

(a) The level of intercollegiate participation for male and female students shall be provided in numbers substantially proportionate to their undergraduate enrollments. Participation shall include all varsity roster positions available, but shall not include club or intramural opportunities. When participation is not substantially proportionate, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(b) Each level of interscholastic participation for male and female students shall be provided in numbers substantially proportionate to their respective enrollments. Participation opportunities shall include all varsity, junior varsity, or freshman roster positions available, but shall not include club or intramural opportunities. When participation is not substantially proportionate, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(c) Where the members of one sex are not, and have not been, substantially proportionate among intercollegiate or interscholastic athletes, the institution may defend the participation rates by showing a history and continuing practice of athletic program expansion which can be demonstrated to be responsive to the developing interests and abilities of that sex. Any defense on this basis shall be included in a corrective action plan in compliance with subsection (17) of this rule.

(d) Where the members of one sex are not substantially proportionate among intercollegiate or interscholastic athletes, and the institution cannot show a history and continuing practice of athletic program expansion, the institution may show its commitment to gender equity in athletics if it can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated. Any demonstration on this basis shall be included in a corrective action plan in compliance with subsection (17) of this rule.

(3) Athletic financial assistance and scholarship. The amount of scholarship money and grants-in-aid made available in intercollegiate varsity sports shall be in substantial proportion to the number of students of each sex participating in athletic programs. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.

(4) Equipment and supplies. Educational institutions shall ensure equality in the provision of and funding for the equipment and supplies for athletic programs to include: the quality, suitability, amount, maintenance and replacement and availability of equipment and supplies. Disparities in equipment and supplies that cannot be justified by a nondiscriminatory explanation shall be included in a corrective action plan developed in compliance with subsection (17) of this rule.

(5) Scheduling of games and practice times. Educational institutions shall ensure equality in scheduling of games and practice times for athletic programs to include: the number of competitive events per sport, number and length of practice opportunities, time of day competitive events are scheduled, time of day practice opportunities are scheduled, and opportunities for pre-season and post-season competition. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.

(6) Travel and per diem allowances. Educational institutions shall ensure equality in the provision of and funding for travel and per diem allowances for athletic programs to include: modes of transportation, housing furnished during travel, length of stay before and after competitive events, per diem allowances and dining arrangements. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.

(7) Opportunities to receive coaching. Educational institutions shall ensure equality in the provision of and funding for the opportunities to receive coaching for intercollegiate and interscholastic sports to include: availability, training, experience, professional standing and other professional qualifications of coaches, and compensation of coaches. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17)

of this rule.

(a) Athletic administrators and coaches in the same or comparable sports, subject to consideration of factors such as experience, training and success shall be compensated equally regardless of gender or race, while ensuring that male and female athletes receive equal and comparable coaching.

(b) Athletic administrative and coaching opportunities shall be made available to men and women without regard to sex or race. Employment of athletic personnel will exhibit the institutional obligation to equal employment opportunity.

(8) Locker rooms, practice and competitive facilities. Educational institutions shall ensure equality is maintained in the provision of and funding for locker rooms, and practice and competitive facilities for athletic programs to include: quality and availability for the practice facilities and competitive facilities; exclusivity of use of the facilities provided for practice and competitive events; availability and quality of locker rooms; maintenance of practice and competitive facilities; and preparation of facilities for practice and competitive events. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(9) Medical and training facilities and services, including weight training. Educational institutions shall ensure equality in the provision of and funding for medical and training facilities and services, including weight training for athletic programs to include: availability of medical personnel and assistance; health, accident and injury insurance coverage; availability and quality of weight and training facilities; availability and quality of conditioning facilities; and availability and qualifications of athletic trainers. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(10) Publicity and promotion. Educational institutions shall ensure equality in the provision of and funding for publicity and promotion for athletic programs to include: availability and quality of sports information personnel; access to other publicity resources for male and female programs; quantity and quality of publications; and other promotional devices featuring male and female teams. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(11) Support services. Educational institutions shall ensure equality in the provision of and funding for support services for athletic programs to include: the amount and quality of administrative assistance provided to male and female programs, and the amount and quality of clerical assistance provided to the male and female programs. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(12) Housing and dining facilities and services. Educational institutions shall ensure equality in the provision of and funding for housing and dining facilities and services for intercollegiate sports to include: housing, special services as part of housing arrangements, and meal plans. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(13) Recruitment of student athletes. Educational institutions shall ensure equality in the provision of and funding for the recruitment of student athletes for intercollegiate sports to include: whether coaches and other professional athletic personnel in the programs serving male and female athletes are provided with substantially equal opportunities to recruit; whether the financial and other resources made available for recruitment in male and female athletic programs are equivalently adequate to meet the needs of each program; and whether the differences in benefits, opportunities, and treatment afforded prospective student athletes of each sex have a limiting effect upon the recruitment of students of either sex. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(14) Recruitment, assignment and compensation of tutors. Educational institutions shall ensure equality in the provision of and funding for the recruitment, assignment and compensation of tutors for athletes to include: amount of time tutors are available for athletes, qualifications and experience of tutors, rates of pay for tutors, and employment conditions of tutors. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(15) Club and intramural sports. The participating opportunities, funding, facilities and other resources available for club and intramural sports shall be substantially proportionate to the respective enrollments of males and females in the educational institution. Where the members of one sex in club or intramural sports are not substantially proportionate to their respective enrollment in the educational institution, the institution may show its commitment to gender equity if it can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated.

(16) Funding for athletic programs. Funding for athletic programs, including revenues from direct support organizations established pursuant to Sections 1001.453, 1004.28, and 1010.22, Florida Statutes, shall be disbursed in a manner that ensures equivalent benefits and services to male and female athletes. Appropriate consideration may be taken of the actual costs and emphasis of particular athletic programs, but no disproportionate funding based upon gender shall exist between the same or similar sports in the overall funding of the entire athletic program.

(17) Institutions shall develop and implement corrective action plans for equity in athletics components described in subsections (2)-(16), of this rule, that are determined to be not in compliance. The corrective action plan shall be developed and submitted consistent with the standards prescribed in this rule. The corrective action plan may cover a period of up to three (3) years and shall be submitted in the format and on the date prescribed by the Commissioner or the Chancellor of the State University System as appropriate. Information describing format and date of submission is available from the Office of Equity and Access, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 or from the Office of Equity and Access, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399. The corrective action plan shall be updated at least annually and compliance shall be monitored on an annual basis.

(18) The Department shall administer graduated penalties to ensure the enforcement of the athletic requirements of Title IX of the Educational Amendments of 1972 and Section 1000.05, Florida Statutes. Depending on the severity of the violation, penalties shall include the following:

(a) When a corrective action plan is not complete or not submitted in a timely manner, notification of the violation shall be made to the appropriate district or postsecondary administrative staff. If an acceptable corrective action plan is not submitted within thirty (30) days from the date of notification, the Commissioner shall notify the district or postsecondary institution that athletic teams of the particular institution will not be allowed to compete until such time as an acceptable plan is approved.

(b) Depending on the severity of violations of this rule, the Department shall issue a public letter of censure concerning the violation, designate the institution ineligible to participate in championship or post season events or prohibit the institution from participating in one (1) or more sports until the institution has come into compliance or has submitted an acceptable corrective action plan.

(c) If the institution is found out of compliance with no acceptable plan for coming into compliance, the Commissioner, or the Chancellor of the State University System as appropriate, shall implement the requirements of Section 1000.05(6)(g), Florida Statutes, and declare the educational agency ineligible for competitive state grants, and direct the Comptroller to withhold general revenue funds sufficient to obtain compliance.

(d) In cases of implementation of the penalties imposed in Section 1000.05(6)(f), Florida Statutes, the Commissioner shall make available a review mechanism composed of a panel of three (3) people, appointed by the Commissioner, to allow for appeal of the imposed penalty. The panel shall include one (1) representative of the appropriate athletic association, a representative of a district or postsecondary

institution not associated with the disputed violation, and one (1) additional person not associated with the disputed violation. Within thirty (30) days, the panel shall review the case and make recommendations to the Commissioner.

Specific Authority 1000.05(5), (6)(g), 1001.02(1) FS. Law Implemented 1000.05(3), (6)(f), (g), 1001.02(1), 1004.65(6)(c), 1006.71 FS. History—New 3-11-85, Formerly 6A-19.04, Amended 10-30-94.

6A-19.005 Student Financial Assistance.

Financial assistance administered in whole, or in part, by the institution in the form of loans, grants, scholarships, fellowships, special funds, services, benefits, waivers of fees, subsidies, compensation for work or prizes to students shall be awarded in a manner that does not discriminate on the basis of race, sex, national origin, marital status or handicap. This does not preclude awards made to overcome the effects of past discrimination. Institutions shall package financial assistance in such a way that minority students do not receive awards composed primarily of loans or work-study in lieu of scholarships or grants for which they are qualified.

(1) Restricted financial assistance may be administered where the assistance and restriction are established by statute, gift, will, trust, bequest or any similar legal instrument, if the overall effect of all financial assistance awarded by the institution does not discriminate on the basis of race, sex, national origin, marital status or handicap.

(2) Students shall not be discriminated against on the basis of race, sex, national origin, marital status or handicap when making available opportunities in cooperative education, work-study, job placement, apprenticeship programs, teaching assistantships, research assistantships, laboratory assistantships or other work programs for which they are qualified.

Specific Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1000.05(2), (3), (6)(f), (g), 1001.02(1), 1004.65 FS. History—New 3-11-85, Formerly 6A-19.05.

6A-19.006 Housing.

If housing opportunities are provided, opportunities shall be extended without discrimination based on race, sex, national origin, marital status or handicap. This obligation includes the provision of on-campus housing and the provision of off-campus housing when an institution makes agreements with other providers.

(1) If on-campus or off-campus housing is provided to nonhandicapped students, then comparable, convenient and accessible housing shall be provided, at the same cost and under the same conditions, to handicapped students. Housing opportunities shall be available to handicapped students in sufficient quantity that living accommodations for handicapped students are, as a whole, comparable to those for nonhandicapped students.

(2) Housing provided to students of either sex shall be proportionate in quantity to the number of students of that sex applying for such housing and shall be comparable in quality and cost to the student.

(3) Institutions may designate housing for married students and students with custody of or joint custody of minor children.

Specific Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1000.05(2), (3), 1001.02(1), 1004.65(6)(c) FS. History—New 3-11-85, Formerly 6A-19.06.

6A-19.007 Student Employment.

All decisions concerning employment and job placement of students under any program or activity shall be made in a manner which ensures that discrimination does not occur based on race, sex, national origin, marital status or handicap, except where sex or national origin constitute a bona fide occupational qualification under section 703 of Title VII of the Civil Rights Act of 1964, as amended. Reasonable accommodation shall be provided for qualified handicapped student employees.

(1) Each written agreement for the referral or assignment of students to an employer shall contain an

assurance from the employer that students shall be accepted and assigned to jobs, and otherwise treated, without regard to race, sex, national origin, marital status or handicap.

(2) Assistance in making employment available to students shall only be given to agencies, organizations or persons who do not discriminate on the basis of race, sex, national origin, marital status or handicap. Any requests by prospective employers which have the effect of excluding students of a particular race, sex, national origin, marital status or handicap shall not be honored. This does not preclude prospective employers from specifying necessary job skills.

(3) No agreement for the provision or support of apprentice training for students shall be entered with sponsors that discriminate against its members, or applicants for membership, on the basis of race, sex, national origin, marital status or handicap. Each written agreement with a sponsor providing for apprentice training shall contain an assurance from the sponsor that it does not engage in such discrimination against its membership, or applicants for membership, and that apprentice training shall be offered and conducted in a manner free from such discrimination.

(4) Students seeking to participate in any student employment opportunity including, but not limited to, cooperative education, work study, teaching assistant or aide, research assistant or aide, library or laboratory assistant or aide, trainer, tutor, interpreter, service worker, and student assistant, shall not be discriminated against by employers, prospective employers, instructors or staff on the basis of race, sex, national origin, marital status or handicap in recruitment, hiring, placement, assignment to work duties, hours of employment, levels of responsibility or pay.

Specific Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1001.02(1), 1004.65 FS. History—New 3-11-85, Formerly 6A-19.07.

6A-19.008 Educational and Work Environment.

It is the policy of the State of Florida, and institutions have an affirmative duty, to create an educational and work environment free of harassment on the basis of race, sex, national origin or handicap. An institution is responsible for all acts of harassment regardless whether the institution knew or should have known of the acts if the harassment is committed by a person in a position of authority. If, however, the harassment is between fellow employees, fellow students or by nonemployees, an institution is only responsible if it knew or should have known of the harassment and failed to take corrective action. Harassment includes:

(1) Any slurs, innuendos or other verbal or physical conduct reflecting on an individual's race, ethnic background, gender or handicapping condition which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment; has the purpose or effect of unreasonably interfering with the individual's work or school performance or participation; or otherwise adversely affects an individual's employment or educational opportunities.

(2) The denial of or the provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment on the basis of sexual advances or requests for sexual favors.

(3) Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational career; submission to or rejection of such conduct is used as a basis for educational or employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

Specific Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1000.05(2), 1001.02(1), 1004.65(2) FS. History—New 3-11-85, Formerly 6A-19.08.

6A-19.009 Personnel.

Equal employment opportunities shall be provided to all applicants and employees without regard to race, sex, national origin, marital status or handicap.

(1) Policies and Practices. Policies, practices and collective bargaining agreements shall not discriminate against an employee, or applicant for employment, on the basis of race, sex, national origin, marital status or handicap. Each governing board shall provide that the cost of providing reasonable accommodation be borne by the governing board, or in the case of state universities by the individual university, rather than by internal subsidiary budgeting units.

(a) Salary policies, employee classification, assignments and other practices shall not discriminate on the basis of race, sex, national origin, marital status or handicap.

(2) Fringe Benefits. All fringe benefits provided under the authority or direction of an institution shall be provided without discrimination on the basis of race, sex, national origin, marital status or handicap.

(3) Pregnancy. Pregnancy and childbirth shall be treated in the same manner as temporary disabilities with respect to all job-related purposes, including commencement, duration and extension of leave, reinstatement, payment of disability income, accrual of seniority, insurance and other fringe benefits provided under the authority or direction of an institution.

(4) Reasonable Accommodation. Reasonable accommodation shall be provided for the known handicaps of a qualified handicapped applicant or employee unless it can be demonstrated that the accommodation would impose an undue hardship on the institution. An institution may not deny employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the employee or applicant.

(5) Contractual Agreements. Institutions shall not participate in any contractual or other agreements that have the effect of subjecting an applicant or employee to discrimination on the basis of race, sex, national origin, marital status or handicap. Contractual or other agreements shall include, but are not limited to, collective bargaining agreements, insurance contracts, training contracts, research projects and studies, food services and transportation.

(6) Recruitment. Recruitment and hiring of employees shall be conducted without discrimination on the basis of race, sex, national origin, marital status or handicap. This shall not affect recruitment, employment and promotion activities conducted under a legally sufficient affirmative action plan adopted by the governing board or institution.

(a) Employment advertisements shall not indicate or imply preference or discrimination based on race, sex, national origin, marital status or handicap.

(7) Preemployment Inquiries. Preemployment inquiries shall not solicit information with respect to an applicant's marital or parental status, or the existence or severity of handicapping conditions.

(a) No preemployment medical examination shall be conducted nor shall any preemployment inquiry be made of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. Inquiry into the applicant's ability to perform job related functions is permissible. Conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty is permissible if all entering employees in the particular job classification are subjected to such an examination.

(b) Preemployment inquiries as to the race and sex of an applicant for employment may be made only if such request is voluntary and only if the results of such inquiry are not used in a discriminatory manner.

(c) No preemployment inquiry regarding marital or family status, including number of dependents or whether an applicant is "Miss" or "Mrs.", shall be made.

(8) Employment Criteria. Selection criteria for employment shall not discriminate against employees or applicants for employment on the basis of race, sex, national origin, marital status or handicap. Selection criteria that relate to standards or requirements of the job may be used. If it can be demonstrated that selection criteria with adverse impact have been validated as essential to the job, and that there has been a reasonable search for equally valid criteria which do not have a disproportionate adverse impact,

the criteria shall be considered nondiscriminatory.

(a) Employment tests shall be selected and administered so as to ensure that the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual or speaking skills, except where those skills are the factors that the tests purport to measure.

(9) Job Classification. Jobs shall not be classified as being for persons of a particular race, sex, national origin, marital status or handicap, except where sex or national origin constitute a bona fide occupational qualification under Section 703 of Title VII of the Civil Rights Act of 1964, as amended.

Specific Authority 1000.05, 1001.02(1) FS. Law Implemented 1000.05(2), 1001.02(1), 1012.95, 1004.65(2) FS. History—New 3-11-85, Formerly 6A-19.09.

6A-19.010 Strategies to Overcome Underrepresentation.

(1) Plans for Implementation. Each governing board within the state system of public education shall submit a three (3) year plan, in the format and on the date prescribed by the Commissioner of Education, to the Office of Equity and Access. Plans shall be designed to implement the Florida Educational Equity Act, Section 1000.05, Florida Statutes, and Rules 6A-19.001, .010, F.A.C., and shall be updated annually. The initial three year plan may include the program and employment analyses required by paragraphs 6A-19.010(1)(c), and (d), F.A.C., on a staggered schedule which shall provide for responsible and expeditious implementation. The staggered schedule and the programs, courses, services and activities to be analyzed and included for each of the first three years shall be prescribed by the Commissioner of Education. Priority shall be assigned, however, to mathematics, science, computer technology, electronics, communications technology, engineering, athletics and vocational education, as specified in Sections 1000.05(3) and (4), Florida Statutes. The plans need not be separate documents but may be portions of plans prepared by the governing board for other purposes, including current actions taken to implement judicial orders, if they contain at least the following information.

(a) Description of Plan Development. The plan shall identify, by title and organizational location, the persons involved in the development of the plan; a description of the participation of any advisory groups or persons; and the date of adoption of the plan by the governing board.

(b) Policy and Procedure Review. A description of the process used by the governing board to review policies and procedures used by the institutions under its jurisdiction to assure that all policies and procedures comply with the requirements of Section 1000.05, Florida Statutes, and Rules 6A-19.001-.010, F.A.C., and the conclusions reached.

1. The description of the review shall include a list of topic areas examined, which shall include, but not be limited to: student services, including counseling; financial assistance; student housing; accessibility and comparability of facilities in terms of sex and handicap; selection criteria for admission to the institution and program and course admission requirements by program area or discipline; criteria for participation in and funding of recreational, athletic, co-curricular and extracurricular activities; provision of auxiliary aids and services; transportation; employment policies and practices for staff and students including selection criteria for employment and methodology for providing reasonable accommodation.

2. The description of the review shall summarize conclusions, include plans for appropriate modifications with timelines, identify staff designated to coordinate the plan for modifications, and describe procedures for maintaining compliance with Section 1000.05, Florida Statutes, and Rules 6A-19.001-.010, F.A.C.

(c) Program Analyses. Implementation plans shall include a summary of the results of analyses of student participation in programs or disciplines. The plans shall identify those programs or disciplines which have disproportionate enrollment of students of a particular race, sex, handicap, or national origin minority having limited-English-language skills. The governing board shall specify the pool of potential students utilized in calculating disproportionate enrollment, as defined in subsection 6A-19.001(5),

F.A.C., in each program or discipline. It is not expected that these analyses will be conducted at a course level unless the governing board determines that it is necessary for the development of strategies to overcome underrepresentation. The Commissioner of Education may designate selected programs, courses, services and activities for analysis.

1. For those programs or disciplines and those selected programs, courses, services or activities designated by the Commissioner of Education, which are found to have disproportionate enrollment, the institution shall develop and implement methods and strategies to increase the participation of students from those underrepresented groups.

2. The plans of implementation shall summarize the results of the analyses of student participation and identify the methods and strategies, including goals adopted by the governing board, and timetables for the implementation of those strategies to increase student participation.

(d) Employment Analyses. Implementation plans shall include a summary of the analyses of employment data by race and sex. Particular attention shall be given to employment patterns in mathematics, science, computer technology, electronics, communications technology, engineering, athletics and vocational education.

1. Plans for implementation shall summarize the results of the employment analyses and describe methods and strategies to increase employment of persons from underrepresented groups.

(e) The annual updates to the implementation plans shall include all modifications, additions, or deletions to the current three year plan for implementation and shall include an evaluation of each of the methods and strategies developed to increase student participation or employment of individuals from underrepresented groups.

(f) Regular Notification. The implementation plan shall include a copy of the policy of nondiscrimination adopted by the governing board and a description of the procedures utilized to regularly notify staff, students, applicants for employment and admission, parents, collective bargaining units and the general public of this policy.

(g) Equity Coordinator. The implementation plan shall identify the person(s), by name and title, designated to coordinate the institution's compliance with Section 1000.05, Florida Statutes, and Rules 6A-19.001-.010, F.A.C. The identity of the Equity Coordinator shall be included in the regular notification of the policy of nondiscrimination.

(h) Grievance or Complaint Procedures. The implementation plan shall include a copy of the grievance or complaint procedures for use by students, applicants, and employees who allege discrimination.

1. Procedure(s) shall be available to all students and their parents, employees, and applicants for admission or employment.

2. Notification of these procedures shall be placed in prominent and common information sources.

3. Procedure(s) shall be designed to encourage prompt and equitable resolution of student, employee and applicant complaints but shall not prohibit individuals from seeking redress from other available sources.

(i) Plans and annual updates submitted by district school boards shall include all schools; vocational, adult and community education centers; vocational skills centers; and special education schools, centers or annexes operated by the board. The program analyses and employment analyses portions of the plan shall include school level and district level data.

(j) Plans and annual updates submitted by the Board of Regents shall include a plan for each university. Each university plan shall include all colleges, schools, campuses, annexes, centers, research centers and service centers operated under the authority or direction of the university.

(k) Plans and annual updates submitted by the community college boards of trustees shall include all departments, campuses, annexes and centers operated under the authority or direction of the board of trustees.

(l) The plan and annual updates submitted by the Board of Trustees of the Florida School for the Deaf

and the Blind shall include all departments, units and schools operated under the jurisdiction of the Board of Trustees of the Florida School for the Deaf and the Blind.

(2) Periodic Reviews. The Office of Equity and Access of the Department of Education shall plan, coordinate and direct or conduct periodic reviews of public education institutions to determine compliance with Section 1000.05, Florida Statutes, and Rules 6A-19.001-.010, F.A.C.

(a) The Division of Public Schools, the Division of Applied Technology and Adult Education, the Division of Community Colleges and the Division of Universities shall submit to the Commissioner of Education through the Office of Equity and Access on September 1, 1985, procedures for including the appropriate provisions of Section 1000.05, Florida Statutes, in each of its regularly scheduled program review activities which shall be subject to approval by the Commissioner of Education. Any revisions or updates to those procedures shall be submitted to the Commissioner of Education for review prior to September 1 each year. Following each program review, a summary of all findings pertinent to determining compliance with Section 1000.05, Florida Statutes, shall be transmitted to the Commissioner of Education through the Office of Equity and Access.

(b) State Level Review. The Office of Equity and Access shall conduct a state level review of a sampling of the public educational entities, including school districts, community colleges, universities and the Florida School for the Deaf and the Blind.

(c) On-Site Review. The Office of Equity and Access shall conduct annual on-site reviews of a sampling of the public educational entities which participated in state level reviews during the previous twelve months under the provision of paragraph 6A-19.010(2)(b), F.A.C. Written notice of on-site reviews shall be provided to presidents and superintendents at least ten (10) working days prior to the review.

(3) Technical Assistance. The Department shall have responsibility for providing technical assistance for compliance with Section 1000.05, Florida Statutes. Technical assistance materials and services shall be provided to assist in the development, modification and monitoring of the plans for implementation described in Rule 6A-19.010, F.A.C.

(4) Studies of Effectiveness. The Office of Equity and Access shall analyze data and evaluation information to identify common elements of policies, practices, procedures and implementation strategies which contribute to, or present barriers to, the effectiveness of methods and strategies designed to increase participation of students in programs and courses in which students of a particular race, sex, national origin, marital status or handicap have been traditionally underrepresented. As common elements are identified, the Office of Equity and Access shall recommend studies to the Commissioner of Education for statewide evaluation and review.

Specific Authority 1000.05(5), 1001.05(1) FS. Law Implemented 1000.05(3), (4), (6), 1001.02(1), 1004.65 FS. History—New 3-11-85, Formerly 6A-19.10.

Dear Colleague Letter: Athletic Activities Counted for Title IX Compliance

OFFICE OF THE ASSISTANT SECRETARY

The Office for Civil Rights in the United States Department of Education issues this guidance to provide State educational agencies, local educational agencies, and postsecondary institutions with information to ensure that male and female students are provided equal opportunities to participate in intercollegiate and interscholastic athletics programs consistent with *Title IX of the Education Amendments of 1972*, 20 U.S.C §§ 1681 *et seq.*, and its implementing regulations (34 C.F.R. Part 106).

This guidance represents the Department's current thinking on this topic. It does not create or confer any rights for or on any person. This guidance does not impose any requirements beyond those required under applicable law and regulations.

If you are interested in commenting on this guidance, please email us your comment at OCR@ed.gov or write to us at the following address: Assistant Secretary for Civil Rights, 400 Maryland Avenue, SW, Potomac Center Plaza, Washington, DC 20202-1100.

September 17, 2008

Dear Colleague:

On behalf of the Office for Civil Rights (OCR) of the United States Department of Education, I am writing to provide technical assistance regarding your compliance with *Title IX of the Education Amendments of 1972 (Title IX)*, 20U.S.C. §§ 1681 *et seq.* Specifically, this letter provides clarifying information to help institutions determine which intercollegiate or interscholastic athletic activities can be counted for the purpose of *Title IX* compliance; it does not represent a change in OCR's policy under *Title IX*.

As you are aware, *Title IX* prohibits discrimination on the basis of sex in education programs and activities by recipients of Federal financial assistance. The *Title IX* regulations governing athletics state, in relevant part:

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient...

34 C.F.R. § 106.41(a). In particular, the regulations require institutions to "provide equal athletic opportunity for members of both sexes." 34 C.F.R. § 106.41(c).

When OCR conducts an investigation to determine whether an institution provides equal athletic opportunities as required by the *Title IX* regulations, OCR evaluates the opportunities provided by the institution's intercollegiate or interscholastic "sports." OCR does not have a specific definition of the term "sport." Instead, OCR considers several factors related to an activity's structure, administration, team preparation and competition, which are identified below, when determining whether an activity is a sport that can be counted as part of an institution's intercollegiate or interscholastic athletics program for the purpose of determining compliance with 34 C.F.R. § 106.41(c).

Many institutions are members of intercollegiate athletic organizations, such as the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics, or state high school associations that have organizational requirements, which address the factors identified by OCR. When the organizational requirements satisfy these factors and compliance with the requirements is not discretionary, OCR will presume that such an institution's established sports can be counted under *Title IX*. This presumption can be rebutted by evidence demonstrating that the institution is not offering the activity in a manner that satisfies the factors below.

When the presumption does not apply or has been rebutted effectively, OCR will evaluate an institution's activity on a case-by-case basis. In such an evaluation, OCR will consider the factors below to make an overall determination of whether the activity can be considered part of the institution's intercollegiate or interscholastic athletics program for the purpose of *Title IX* compliance.

If, after reviewing the factors in their entirety, OCR determines that an activity should not be counted under *Title IX*, an institution may ask OCR to reconsider its initial determination and may provide OCR with other evidence related to the activity's structure, administration, team preparation and competition. This approach affords recipients the flexibility to create athletics programs that are responsive to the specific interests and abilities of their particular student bodies.

In its case-by-case evaluation of whether an activity can be counted as an intercollegiate or interscholastic sport for the purpose of *Title IX* compliance, OCR will consider all of the following factors:

- I. **PROGRAM STRUCTURE AND ADMINISTRATION** — Taking into account the unique aspects inherent in the nature and basic operation of specific sports, OCR considers whether the activity is structured and administered in a manner consistent with established intercollegiate or interscholastic varsity sports in the institution's athletics program, including:
 - A. Whether the operating budget, support services (including academic, sports medicine and strength and conditioning support) and coaching staff are administered by the athletics department or another entity, and are provided in a manner consistent with established varsity sports; and
 - B. Whether the participants in the activity are eligible to receive athletic scholarships and athletic awards (e.g., varsity awards) if available to athletes in established varsity sports; to the extent that an institution recruits participants in its athletics program, whether participants in the activity are recruited in a manner consistent with established varsity sports.
- II. **TEAM PREPARATION AND COMPETITION** — Taking into account the unique aspects inherent in the nature and basic operation of specific sports, OCR considers whether the team prepares for and engages in competition in a manner consistent with established varsity sports in the institution's intercollegiate or interscholastic athletics program, including:
 - A. Whether the practice opportunities (e.g., number, length and quality) are available in a manner consistent with established varsity sports in the institution's athletics program; and
 - B. Whether the regular season competitive opportunities differ quantitatively and/or qualitatively from established varsity sports; whether the team competes against intercollegiate or interscholastic varsity opponents in a manner consistent with established varsity sports;

When analyzing this factor, the following may be taken into consideration:

1. Whether the number of competitions and length of play are predetermined by a governing athletics organization, an athletic conference, or a consortium of institutions;
 2. Whether the competitive schedule reflects the abilities of the team; and
 3. Whether the activity has a defined season; whether the season is determined by a governing athletics organization, an athletic conference, or a consortium.
- C. If pre-season and/or post-season competition exists for the activity, whether the activity provides an opportunity for student athletes to engage in the pre-season and/or post-season competition in a manner consistent with established varsity sports; for example, whether state, national and/or conference championships exist for the activity; and
- D. Whether the primary purpose of the activity is to provide athletic competition at the intercollegiate or interscholastic varsity levels rather than to support or promote other athletic activities.

When analyzing this factor, the following may be taken into consideration:

1. Whether the activity is governed by a specific set of rules of play adopted by a state, national, or conference organization and/or consistent with established varsity sports, which include objective, standardized criteria by which competition must be judged;
2. Whether resources for the activity (e.g., practice and competition schedules,¹ coaching staff) are based on the competitive needs of the team;
3. If post-season competition opportunities are available, whether participation in post-season competition is dependent on or related to regular season results in a manner consistent with established varsity sports; and
4. Whether the selection of teams/participants is based on factors related primarily to athletic ability.

Please keep in mind that OCR's determinations based on these factors are fact-specific. Therefore, determinations may vary depending on a school district or postsecondary institution's athletics program, the nature of the particular activity, and the circumstances under which it is conducted.

It is OCR's policy to encourage compliance with the *Title IX* athletics regulations in a flexible manner that expands, rather than limits, student athletic opportunities. By disseminating this list of factors, OCR intends to provide institutions with information to include new sports in their athletics programs, such as those athletic activities not yet recognized by governing athletics organizations and those featured at the Olympic games, if they so choose. Expanding interscholastic and intercollegiate competitive athletic opportunities through new sports can benefit students by creating and stimulating student interest in athletics, taking advantage of athletic opportunities specific to a particular competitive region, and providing the opportunity for access to a wide array of competitive athletic activities.

OCR remains available to provide technical assistance on this issue to recipients on a case-by-case basis. If you have further questions regarding the application of *Title IX* to athletics programs, or seek technical assistance, please contact the OCR enforcement office serving your state or territory. Contact information for these offices is available on the Department's website at <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>.

Thank you for your attention to these matters and your continued efforts to ensure equal athletic opportunities for all of our nation's students.

Sincerely,

Stephanie Monroe
Assistant Secretary for Civil
Rights