

2017 STAR CONFERENCE

**Methods of Administration
Civil Rights Onsite Reviews**

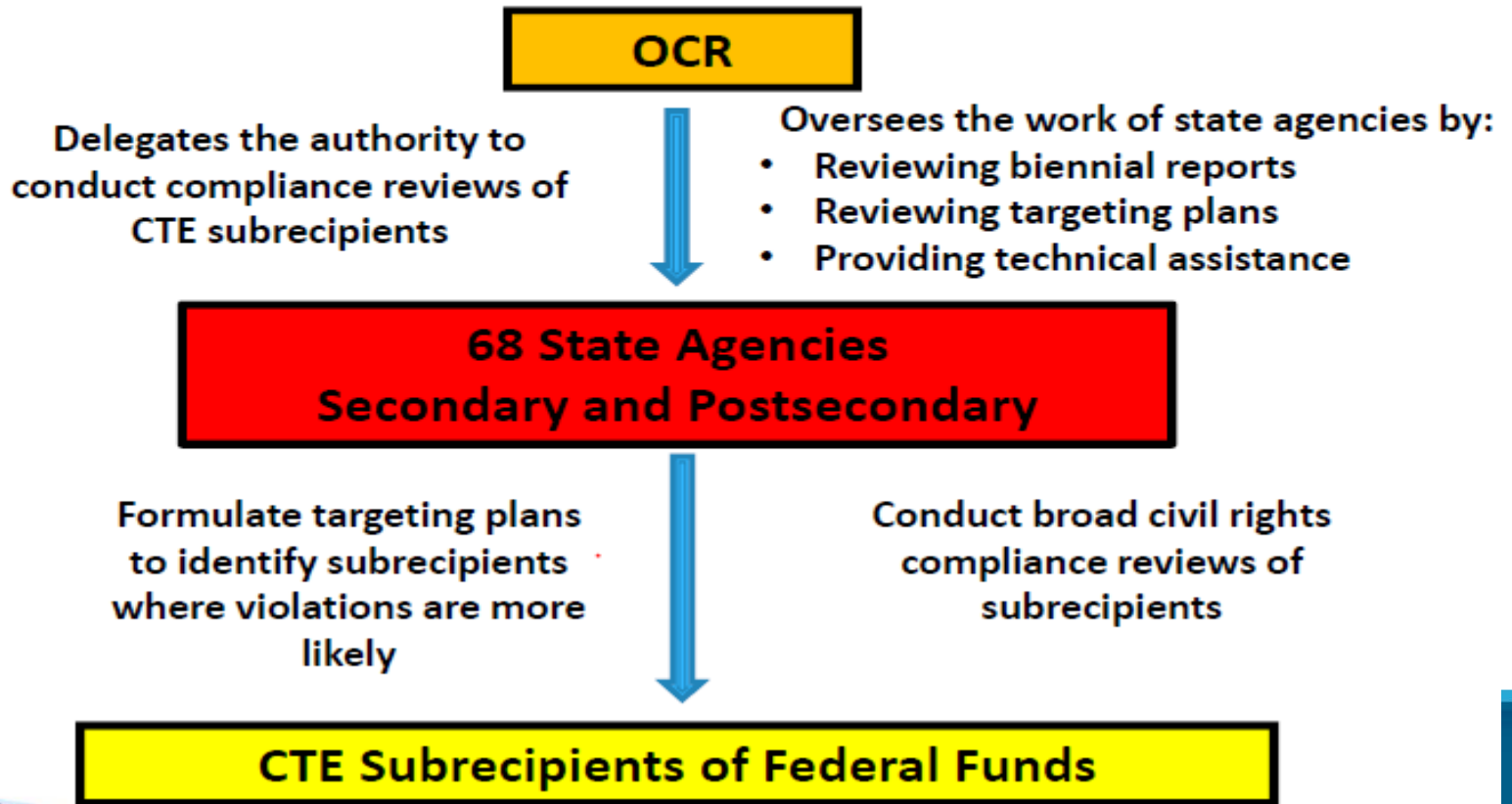
**Laramie, Wyoming
June 6-8, 2017**

The Purpose of MOA

To ensure ALL students enjoy equal access to CTE programs and activities regardless of race, color, national origin, sex, or disability.

The MOA Coordinator is responsible for conducting targeted compliance reviews of secondary and post-secondary institutions that provide CTE programs based on the Vocational Education Guidelines as well as the regulations implementing Title IX, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (ADA) of 1990.

How the MOA Program Works



The History of the MOA Program

CIVIL RIGHTS TIMELINE



Event Date:	Event Title:
1935	NAACP Begins Challenging Segregation
05/17/1954	Supreme Court Ruling: BROWN v. BOARD OF EDUCATION OF TOPEKA, KS
07/02/1964	Congress Enacts the Civil Rights Act of 1964 <i>(Title VI: race, color, national origin)</i>
06/23/1972	Congress Enacts the Education Amendments of 1972 (Title IX: gender)
11/16/1972	United States District Court, District of Columbia Ruling: Kenneth ADAMS v. Elliot RICHARDSON
02/16/1973	Amended ADAMS v. RICHARDSON Ruling
09/26/1973	Congress Enacts the Rehabilitation Act of 1973 <i>(Section 504: disability)</i>
04/01/1977	ADAMS v. CALIFANO (Second Supplemental Order)
03/21/1979	HEW Publishes "The Guidelines" in the Federal Register to comply with ADAMS v. CALIFANO
07/26/1990	Americans with Disabilities Act signed into law (Title II: disability)

Office for Civil Rights

OCR's mission is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation's schools.

Why Methods of Administration (MOA)?

The [United States Department of Education Office for Civil Rights](#) requires the State Superintendent of Public Instruction, as the state agency responsible for administration of Career and Technical Education, to conduct a Civil Rights compliance program review.

The Intent of MOA

The intent is to identify, remedy and prevent discrimination in CTE programs operated by education agencies receiving federal financial assistance.

LEAs are generally selected for on-site review according to CTE enrollment data, school demographics, as well as the established review cycle, requests for technical assistance, or procedural information.

Two Requirements in the Guidelines

1. State agencies must be certain that they **do not** “require, approve of, or engage in” any unlawful discrimination. (Example: review and approval of site location for new school building)

Two Requirements in the Guidelines

2. State agencies [**must**] monitor sub-recipients for civil rights compliance through
 - a. technical assistance,
 - b. analyses of already compiled information and data, and
 - c. periodic compliance reviews (this stems from Title VI regulation)

Applicable Laws & Regulations



The Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of *Race, Color, National Origin, Sex, and Handicap*

- “The Guidelines”, Federal Register, March 21, 1979, Vol. 44, No. 56



Title VI of the Civil Rights Act of 1964

- 34 CFR Part 100
- Race, Color, National Origin



Title IX of the Education Amendments of 1972

- 34 CFR Part 106
- Gender
- Not just for sports!

Applicable Laws & Regulations



Section 504 of the Rehabilitation Act of 1973

- 34 CFR Part 104
- “Recipients of Federal Funds”
- Disability
- Accommodations
- Accessibility



Title II of the Americans with Disabilities Act of 1990

- 28 CFR Part 35
- “Public Entities”
- Disability
- Accommodations
- Accessibility
- Communications

Conducting the On-Site Review: Legal Authority

- ❖ 34 C.F.R. § 100.6(c)
 - ❖ gives you **access to information necessary** to determine compliance with the federal civil rights regulations.
 - ❑ This section extends to “the responsible Department official or his designee.”
 - ❑ The *Guidelines* make you a designee for this purpose.

WDE MOA SELECTION CRITERIA FOR SCHOOL DISTRICTS

1. Race (Required)
2. Disability (Required)
3. Sex (Required)
4. Date of Last Review (Tie Breaker)

TARGETING PLAN

- There are 48 school districts and 7 community colleges in Wyoming, which all are part of the Sub-recipient Universe.
- The selection criteria is used in determining the sub-recipients to be monitored.
- The top three school districts are selected.
- The community colleges are on a rotational basis.

Who is Monitored?

- Required to visit two LEAs from the Subrecipient Universe during the 2017-18 school year
- Required to visit one LEA and one community college during the 2018-2019 school year

What Areas Are Reviewed?

1. Administrative Requirements
2. Recruitment, Admissions, and Counseling
3. Accessibility
4. Comparable Facilities
5. Financial Assistance

What Areas Are Reviewed?

6. Services for Students with Disabilities
7. Work-Study, Cooperative Programs and Job Placement
8. Employment

MOA OFFICE FOR CIVIL RIGHTS PROCESS

- Courtesy phone call notification to Superintendent
 - Follow-up call to district team once appointed to discuss review and select dates.
- Notification letters submitted to Superintendent, CTE Director, and Principals.
- Work with the district to select Onsite Review date(s) beginning in late September

MOA OFFICE FOR CIVIL RIGHTS PROCESS

- Onsite Visit
- Entrance meeting with district representatives
- Review documentation
- Interviews with superintendent, college president, CTE Director, principals, teachers, facilities director, administrative team, student focus group, counselor(s)
- Accessibility review with the Facilities Director and CTE Director

Annual Public Notice

- Published prior to the beginning of each school year.
- Must reach students, parents, employees, and the general public.
- Generally acceptable to publish the annual notice only on the recipient's website.

Annual Public Notice

If service area contains a community of national origin minority persons with limited English language skills,

Annual Notice must:

- be disseminated to that community in its language and
- state that recipients will take steps to assure that the lack of English language skills will not be a barrier to admission and participation in the recipient's CTE programs.

Continuous Non-Discrimination Statement

In addition to the Annual Notice of Nondiscrimination, districts and schools are required to publish a notice of nondiscrimination on a continuing basis and in a variety of locations.

Places to post: newspapers, magazines, applications for admission and employment, recruitment materials, announcements, bulletins, catalogs and websites.

NOTE: A more thorough explanation of these requirements including an example of a Continuous Notice of Nondiscrimination can be found on the CTE MOA website.

FACILITIES PROCESS

Requirements Prior to Visit

- LEA
 - Start of construction, alteration, remodel dates for each 9-12 facility
 - Dates for parking lots (last time resurfaced/seal coated/restriped)
- College
 - Start of construction, alteration, remodel dates for all facilities to include dormitories
 - Dates for parking lots (last time resurfaced/seal coated/restriped)
- Blue Prints
 - Readily available on site for review

MOA OFFICE FOR CIVIL RIGHTS PROCESS

- Exit Meeting
- Follow Up
 - ◆ Letter of Finding – A minimum of 60 calendar days
 - ◆ Voluntary Compliance Plan (Mutually agreed upon) – 90 calendar days upon receipt of LOF
 - ◆ Monitoring | Corrective Actions Required After Approval of VCP (Typically a 1-year process)
 - ◆ Closure

What is a Letter of Findings (LOF)?

- A summary of your agency's on-site review.
- Has three potential audiences: the subrecipient, OCR, and the public.
- Documents issue areas reviewed where there is no evidence of noncompliance.
- Outlines findings of noncompliance.
- Identifies needed corrective actions.
- Demonstrates comprehensive on-site reviews.

VOLUNTARY COMPLIANCE PLAN

Office for Civil Rights Compliance Review

VOLUNTARY COMPLIANCE PLAN

College/District
 Name:

College/District
 Contact:

College President/District
 Superintendent
 Authorized Signature:

Date
 Developed:

Beginning Date:

Completion Date:

Specific Area of Corrective Action:

MAJOR INTERVENTION	ACTIVITIES (HOW)	TARGET DATES (START-COMPLETE)	PEOPLE RESPONSIBLE (WHO)	RESOURCES NEEDED	MEASURABLE INDICATORS	SUBMIT COMPLETED DOCUMENT TO WDE

Conducting the On-Site Review: Legal Authority

Under the Federal civil rights laws, recipient schools or colleges are **prohibited from intimidation or retaliation** against persons because they participate in an MOA on-site review.

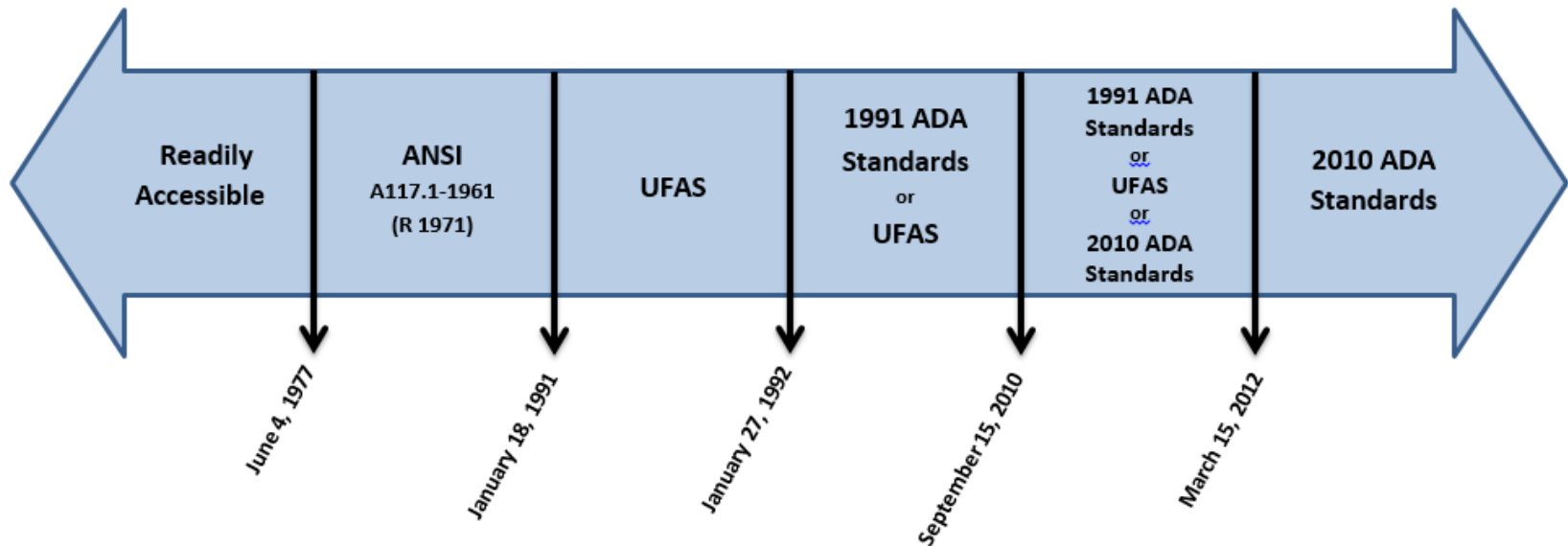
34 C.F.R. § 100.7(e)

PROVIDING NOTICE

34 CFR § 104.22 (f)

If programs or activities are made accessible through relocation, reasonable notice must be provided of the institution's willingness, upon request, to move such programs or activities.

FACILITIES STANDARDS



MOA RESOURCES

- Wyoming Department of Education

<https://edu.wyoming.gov/in-the-classroom/career-tech-ed/methods-of-administration/>

- U.S. Department of Education

<https://www2.ed.gov/about/offices/list/ocr/docs/vocre.html>

Wyoming

WYOMING
DEPARTMENT OF EDUCATION



Team collaboration and communication is key to making the onsite review a success

CONTACT INFORMATION

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We are all in this together as we strive for ongoing continuous improvement.