

MOA: Methods of Administration Postsecondary Civil Rights Compliance Review

ON-SITE COORDINATOR'S MANUAL - 2023 Edition

Office of Workforce Development
Career Technical Education



KANSAS BOARD OF REGENTS

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FOREWORD

This manual is provided for use by the institution's On-Site Coordinator in preparation for the On-Site Review conducted by Kansas Board of Regents (Board) staff. This manual was developed to guide the On-Site Review Coordinator through the necessary preparation for the review. The most crucial part of a successful On-Site Review is the advanced preparation made by the Coordinator.

This manual describes the types of materials, data, and scheduling needed to assist the On-Site Review staff for Civil Rights Compliance review. It includes preparation checklists and suggestions for the scheduling of interviews and communicating with institutional staff.

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PURPOSE OF THE ON-SITE REVIEW

The purpose of the On-Site Review is to review the campus for compliance with federal laws:

- Title VI of the Civil Rights Act of 1964, and its implementing regulation at 34 C.F.R. Part 100 (Title VI), which prohibit discrimination on the basis of race, color, and national origin by recipients of federal financial assistance;
- Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX), which prohibit discrimination on the basis of sex in any educational program or activity receiving federal financial assistance;
- Section 504 of the Rehabilitation Act of 1973, and its implementing regulation of 34 C.F.R. Part 104 (Section 504), which prohibit discrimination on the basis of disability by recipients of federal financial assistance;
- Title II of the Americans with Disabilities Act of 1990, and its implementing regulation at 28 C.F.R. Part 35 (Title II), which prohibit discrimination on the basis of disability by public entities; and
- *Guidelines for Elimination Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs, 34 C.F.R. Part 100, Appendix B (Guidelines).*

Summary of these laws can be found in the appendix. All institutions receiving federal funds are required to comply with federal nondiscrimination laws, and the U.S. Office of Education, Office for Civil Rights monitors this compliance requirement.

INSTITUTIONAL SELECTION PROCESS

The Postsecondary Methods of Administration (MOA) Program is administered by the Workforce Development unit of the Kansas Board of Regents. These activities including monitoring subrecipients to ensure compliance. Board staff uses the targeting plan published in the Kansas MOA Plan to select on-site reviews for civil rights compliance in career and technical education programs.

Subrecipient Universe

The Kansas universe will include the following career and technical education providers for each fiscal year: Community colleges, technical colleges, a public university, and a municipal university.

Identifying Subrecipients for Desk Audit:

Identifying institutions for desk audit begins with defining CTE in Kansas. K.S.A. 71-1802, provides parameters which technical programs must meet and defines a "technical program" as any program of study comprised of a sequence of tiered technical courses and non-tiered courses, which program is identified by the state board as a technical program for funding purposes. Technical programs must be designed to prepare individuals for gainful employment in current or emerging technical occupations requiring other than a baccalaureate or advanced degree, and lead to technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree.

The postsecondary universe will be divided into four sub-universes by geographic region: Central, Southeast, Northeast, and West.

Ranking Procedures:

A desk audit of all institutions in the selected region will consist of an analysis of the institutions' reported CTE enrollment data from the previous academic year, extracted from the Kansas Higher Education Data System:

Gender

CTE program enrollment data is analyzed for gender balance. The following point system is employed:

- The percentage of female enrollment in CTE is determined.
- The percentage of female enrollment in CTE is subtracted from the percentage of female enrollment in the institution or in county demographics, depending on the subrecipient.
- For each percentage point difference, the institution receives one point.

Race/Ethnicity/National Origin

CTE program enrollment data is analyzed for ethnicity demographics for both overrepresented and underrepresented populations. The following point system is employed:

- The percentage of enrollment by race/ethnicity in CTE is determined.
- The percentage of enrollment by race/ethnicity in CTE is subtracted from the percentage of enrollment by race/ethnicity in the institution.
- For each percentage point difference, the institution receives one point.

Individuals with Disabilities, English Language Learners, Individuals from Economically Disadvantaged Families, and Participants in Non-traditional (Gender) Occupations

CTE program enrollment data is analyzed for students with disabilities, students who are English language learners, students from economically disadvantaged families, and students preparing for non-traditional occupations based on gender. Non-traditional occupations are those fields of work for which individuals from one gender comprise less than 25% of the individuals employed in that field or occupation. These demographics are analyzed for both overrepresented and underrepresented populations. The following point system is employed:

- The percentage of each special populations group is determined.
- The percentage of each special populations group is subtracted from institutional enrollment.
- For each percentage point difference, the institution receives one point.

Date of Last On-Site Review

On-site Review records are reviewed to determine the date of the last on-site review.

- One point is awarded for each year since last review, therefore longer spans between on-site reviews yield higher point totals.
- If there is no data, fifty points are awarded.

Postsecondary On-Site Review Selection Procedure:

- A minimum of two postsecondary subrecipients will be selected annually for comprehensive on-site reviews.
- The postsecondary subrecipients will be scored using the ranking procedure as described above and ranked from the highest total score to the lowest total score.
- The two postsecondary subrecipients with the highest total score will be initially selected for an on-site review.
- If an initially selected subrecipient received an on-site review within the past five fiscal years, the subrecipient with the next highest score within the subset will be selected for an on-site review as an alternative.

Should two subrecipients have equal scores, the date of the last on-site review will be the determining factor for the on-site review site:

- The subrecipient without a review will be selected, or
- The subrecipient with the oldest review will be selected.

If a subrecipient is selected for an on-site review and cannot be visited in the fiscal year for which it has been selected, it will be reviewed the following fiscal year. The subrecipient with the next highest score will be visited as an alternative.

The comprehensive on-site reviews may include the following components:

1. Review of documents and data;
2. Interviews to gather pertinent data regarding compliance issues;
3. Site review of facilities accessibility; and/or
4. Determination of compliance/noncompliance with procedural requirements.

COMMUNICATION

The System Civil Rights Compliance Review is a collaborative process between the institution and Board staff. On-going communication between staff from the institution and Board staff is essential for a successful review. The person assigned as the onsite coordinator by the institution is encouraged to communicate with Board staff throughout the process.

REVIEW OF MATERIALS

The On-Site Team reviews all the documentation provided by the institution. The institution documentation is organized to correspond to the standards/guidelines defined in Federal laws. The Team reviews each of the standards/guidelines using an objective worksheet that identifies the specific standard/guideline and the element of proof that would identify compliance. The worksheet is available upon request.

Documentation materials should be in a labeled file for each standard/guideline. Providing the materials as PDF and Word documents on a flash drive using the same organizational structure as the Coordinator's manual is recommended to consume less paper. Screenshots of web sites and web addresses can be embedded to capture specific imagery as indicators of compliance. Some items (i.e., program flyers, student viewbook, etc.) may need to be delivered.

MATERIALS NEEDED FOR DOCUMENTATION

- Institution Catalog
- Institution Website
- Student Handbook or Viewbook
- Institution Directory
- Institution Organizational Chart
- Institution Enrollment History
- Enrollment by Program/Major: Current year and previous two years:
- Total enrollment by Program/Major
 - Minority-nonminority enrollment by Program/Major
 - Male-female enrollment by Program/Major
 - Enrollment of students with disabilities by Program/Major

Major	Year	Disability	Gender		Am Ind/ Alaska	Asian	Black	Hawaii/Pac Islander	Hispanic	White	Unknown	Total
			Female	Male								
	Current											
	Last Yr.											
	2 yrs.											

- List of all buildings and parking lots with date each was constructed, with date of any remodeling/alteration. **If no date of construction or alteration can be found, the most restrictive standards will be applied (1991 ADA Standard).**
- Parking lot information needed:
 - Total number of parking spaces per lot
 - Total number of handicapped parking spaces per lot
 - Total number of van accessible parking spaces per lot
 - Dates of resurfacing or restriping
- College campus map

This guide will be utilized by the team conducting the Civil Rights On-site Review. The best way to prepare for the review is by thoroughly familiarizing yourself with this guide. You will learn what items the team is looking for during the review, as well as what legal regulations are the authority for the review.

The following sections of this guide are organized by requirements (ex: Administrative, Financial Aid, etc.). Underneath each section, you will find a list of requirements including the legal citation. The printed indicators of compliance should be organized by section.

Pay special attention to the “Indicators of Compliance” and the “Documentation” box in bold. Please collect an electronic copy of the printed items listed in each Documentation box and forward to the Board office prior to your on-site visit for review. The Documentation boxes are not all inclusive; it is understood that your institution may not have/use all the documents listed. Please use the items listed in the boxes as a guide and assemble documentation that you

feel is applicable for each section. If the documentation requested is located on your institutional website, please provide a copy of a screenshot with the URL visible (copy and paste the URL into the Word document to which you add the screenshot). All items on your website do not need to be printed, but by printing a screenshot of the specific area of the webpage, it drastically cuts the time required to review the documentation. Documents must be organized in folders by section: 1) Administrative Requirements, 2) Recruitment, Admissions, and Counseling, 3) Accessibility, and so forth.

NOTE: It is helpful to have sections of documents (catalogs, handbooks, reports, etc.) where specific documentation is located to be flagged or highlighted. It helps ensure that the team members will be able to find the appropriate documentation to determine compliance with a specific guideline or standard.

Information can be duplicated. If the same information is recommended for multiple sections, include the information in all relevant sections.

ENTRANCE INTERVIEW

An entrance interview will be conducted during the On-Site Review. The purpose of this meeting is to introduce On-Site Review Team members to institution personnel, to acknowledge appreciation for the effort put into preparing for the visit, to provide background information concerning the authority and components and procedures of the compliance review, to explain the philosophy regarding the compliance review process, and to provide an overview of on-site activities.

The On-Site Coordinator is encouraged to invite any staff members the administration feels would be interested or would like more information about the On-Site Review to this meeting. The time and location of the entrance interview is determined by the On-Site Coordinator.

The Board Staff Team Leader will be responsible for:

- Calling the entrance interview team meeting to order
- Introducing all On-Site Review Team members
- Explaining the overall plan and procedures for monitoring on-site
- Responding to questions about the Civil Rights Compliance program and/or the On-Site Review.

The Institution President may provide an orientation to the institution:

- Mission and philosophy of the institution
- Brief history of the institution
- Institution enrollment trends
- Student demographics
- Facility Review
- Review of the programs/majors offered
- Strong points and problem areas of the institution and the education programs

The entrance interview is expected to take no longer than one hour, depending on the number and type of questions submitted.

INTERVIEWS: ADMINISTRATORS, SUPPORT STAFF, FACULTY AND STUDENTS

The Board staff or designated representative will interview a variety of employees and students using a set of predetermined questions. Questions vary depending on the roles of the individuals. Board staff will be taking notes to document responses, however: names of interviewees or specific quotes will NOT appear in any report or findings. The interviews may be replaced with surveys to capture feedback from employees and/or students.

The institution is responsible for identifying individuals to be interviewed and scheduling times and locations. The institution has the option of scheduling individuals during any of the interview times. For example, it may be more convenient to schedule students during the three interview times or all during the first interview time. In addition, it is important to include minorities, individuals with disabilities, and individuals seeking or teaching nontraditional gender occupations (e.g., female in auto tech, or a male in nursing) in the interviews for employees, as well as students. Interviewees should be informed of the scheduled time and place where their interview will be conducted.

TOURS: OFF CAMPUS & MAIN CAMPUS

The institution should provide a guided tour of all facilities that the institution owns and leases where Career Technical Education (CTE) classes are offered, and students receive instruction or services. The Team will only tour facilities that are under the control of the institution. For example, classes offered at a local business or high school would not be toured. A member of Board staff or a designated representative will tour the main campus. The Facilities Director should be part of the tour group. Individuals or small groups will tour off-campus sites. Tours should include a walk-through of representative classrooms, lab, shops, auditoriums, locker rooms, gyms, administrative and student service areas. All restrooms are reviewed.

EXIT INTERVIEW

An exit interview, not to exceed 60 minutes, will be held at the conclusion of the Administrative on-site visit. The President will select those who attend this meeting. The Board staff or designated representative will conduct this meeting. The exit interview is designed to provide preliminary impressions of on-site findings, highlighting best practices, and reviewing areas that will need corrective action. The post On-Site Review activities and timelines will be presented. In addition, the need to develop a voluntary compliance plan will be reviewed.

SCHEDULING AND ARRANGEMENT CONSIDERATIONS

Plan and schedule the On-Site Review with these considerations in mind:

- Most on-site reviews will be conducted within a two-day timeframe. However, large, or multi-campus institutions may be scheduled for a longer visit.
- A two or three-member team will conduct most on-site reviews.

All arrangements for the on-site review should be made prior to the entrance interview.

The team headquarters should be a room that is available to the On-Site Team during the entire on-site review. The room should contain tables and chairs to accommodate the entire team.

ON-SITE REVIEW PREPARATION CHECKLIST

This checklist is designed to aid those who are directly responsible for coordinating activities of the on-site review for Civil Rights Compliance in Career Technical Education Programs. It entails all arrangements that must be made prior to the date the on-site review is conducted.

HAVE YOU . . . ?

- Assembled labeled, as indicated, and sent electronic copies of the materials, documents and records? **NOTE:** The headings/labels for each of the exhibits must be consistent with the headings/ labels indicated in the manual.
- Arranged for the Entrance and Exit Interviews (location/time)?
- Consulted the appropriate administrator for the selection of staff members you want to attend the Entrance and Exit Interviews and informed them of the date/location/time?
- Selected a person (the On-Site Coordinator) to call the Entrance and Exit Interview meetings to order and provide additional information requested?
- Informed the person(s) selected of their assigned task(s)?
- Contacted the Board staff for the time and location of the Entrance Interview meetings?
- Reserved a permanent place for the On-Site Review Team?
- Notified the institution staff in general that an on-site review will be conducted and informed them of what to expect?
- Prepared maps and list of location locations involved for the on-site review team?
- Identified the appropriate staff who are to be surveyed or interviewed (see checklist item below) and prepared a time schedule allowing 45 minutes per interview (if needed)?

Notified the following individuals to inform them of the scheduled time and place?

- President
 - Academic Affairs & Student Services Administrator
 - Title VI Coordinator or Affirmative Action Officer
 - Human Resource Director
 - Facilities Director
 - Counselors (female, male)
 - Counselor for Disabled Students
 - Title IX Coordinator
 - Section 504 Coordinator
 - Special Needs Coordinator
 - Financial Aid Officer
 - Faculty - Occupational & General Education (minority, disabled, males and females)
 - CTE Students (minority, disabled, males and females)
- Contacted the Board staff to answer any questions you have about this checklist.

POST ON-SITE REVIEW TIMING

A Preliminary Letter of Findings (LOF) will be provided to the institution within 30 calendar days of completion of the On-Site Review. The Preliminary LOF will provide the compliance status of each of the standards/guidelines reviewed. The Preliminary LOF will identify the standard/guideline, state the compliance status, describe the rationale for the compliance status and identify recommended corrective action. All the findings are based on the review of materials, interviews, observations, and tour of the facilities.

The institution will have 15 calendar days to review and respond to the Preliminary LOF. The institution will correct any inaccuracies or provide additional information to clarify a finding. In some instances, items that need corrective action may have been corrected. The Preliminary LOF will be changed to reflect the input from the institution.

A Final LOF will be sent to the institution within 15 calendar days of receipt of the feedback from the Preliminary LOF. The Final LOF becomes the official findings of the On-Site Review and will be filed with the U.S. Department of Education - Office for Civil Rights.

From the date of the Final LOF, the institution has 15 calendar days to develop and submit a Voluntary Compliance Plan (VCP). Compliance plans are written using the recommended format and address how the specific non-compliance item will be corrected or remediated. The plans will define the action to be taken, timelines, personnel responsible, technical assistance needs, and monitoring and evaluation results/outcomes. Information on how to develop a VCP is in the appendix.

Legal citations guiding the Civil Rights Review:

- Title VI of the 1964 Civil Rights Act, and its implementing regulation at 34 C.F.R. Part 100 (Title VI), which prohibits discrimination on the basis of race, color, and national origin by recipients of federal financial assistance.
- Title IX of the 1972 Education Amendments, and its implementing regulation at 34 C.F.R. Part 106 (Title IX), which prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), which prohibits discrimination on the basis of disability by recipients of federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990, and its implementing regulation at 28 C.F.R. Part 35 (Title II), which prohibits discrimination on the basis of disability by public entities.
- *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicapped in Vocation Education Programs*, 34 C.F.R. Part 100, Appendix B (Guidelines).

I. Administrative Requirements

Recipients must have certain basic requirements in place to comply with the Office for Civil Rights, *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicapped in Vocation Education Programs*, Title VI, Title IX, Section 504 and Title II. These basic procedures include an annual public notice, continuous notification, designation of a person(s) to coordinate activities under Title IX, Section 504, and Title II and a grievance procedure that will allow students an avenue for dealing with alleged discrimination. To verify this, it will be necessary to review many documents and to interview administrators, Title IX, Title II and Section 504 coordinators, faculty, and students.

Suggested Persons to Interview: PR person, administrators, students, and parents (particularly Limited English Proficiency students and students with disabilities).

Equity Requirement A: Annual Public Nondiscrimination Notification

Legal Citation: Prior to the beginning of each school year, recipients must advise students, parents, employees, and general public that all vocational opportunities will be offered regardless of race, color, national origin, sex or disability.

The notice must include a brief summary of program offerings and admission criteria and the name and/or title, office address, and phone number of persons designated to coordinate compliance under Title IX and Section 504.

Title IX: 34 CFR 106.8(a) Section 504: 34 CFR 104.7(a) Title II:28 CFR 35.107(a) Guidelines IV-0

Indicators of Compliance: Recipient issues annual public notice of nondiscrimination prior to the enrollment deadline or the start of classes, whichever is earliest. The notice must be available to students, parents of students, employees, and the general public. The notice must include a brief summary of program offerings and admissions criteria.

The notice is disseminated in the language of any national origin minority community in the service area, if applicable. Annual notice lists coordinators of Section 504/ADA and Title IX with their name and/or title, address, and phone number.

Documentation:

Is Annual Public Nondiscrimination notice found in the following publications:	Yes	No
Institution website		
Social media platforms		
Email to students, faculty, & staff		
Local newspapers		
Other publications		
Is the notice posted in public areas of the community or communities		
Does the notice have a brief description of technical program offerings and admission criteria?		
Do publications with notice reach students, employees and applicants? Ask administrators how the publications are distributed.		
Is the notice available to visually impaired persons? Ask administrators how this is done.		
Does the community have national origin minority students with limited English language skills? (Check census data and/or ask administrators, faculty and		

students). If yes, is notice available in the language of the national origin minority community? How is the notice disseminated to the national origin minority community?		
Other		

Equity Requirement B: Continuous Nondiscrimination Notice

Legal Citation: A recipient must take continuing steps to notify participants, beneficiaries, applicants, elementary and secondary school parents, employees (including those with impaired vision or hearing), and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of race, color, national origin, sex, or disability.

Title IX: 34 CFR 106.9

Section 504: 34 CFR 104.8

Indicators of Compliance: A variety of recipient publications notifies applicants, students, employees and parents that it does not discriminate on the basis of race, color, national origin, sex or disability.

Documentation:

Is nondiscrimination notice found in the following publications:	Yes	No
Brochures on programs, activities		
Posters advertising various programs		
Recruitment materials		
Student application		
Catalog		
Student handbook		
Job announcements		
Job application		
Website		
Social media platforms		
Institution newspaper/calendar		
Other:		

Equity Requirement C: Designation of Compliance Coordinators

Legal Citation: At least one employee must be designated and authorized to coordinate Title IX and Section 504 compliance. At least one employee must be designated and actually serving at all times. The person coordinating Title IX must be referred to as the "Title IX Coordinator."

34 CFR 106.8(a)

34 CFR 104.7(a)

Indicators of Compliance: Recipient has assigned a person(s) to coordinate Section 504, Title II, and Title IX activities. This (these) person(s) must be aware of their duties and responsibilities and have the training necessary to carry out their responsibilities. During personnel transitions, an interim coordinator must be named. Larger institutions may designate multiple coordinators.

Recipient lists coordinators of Section 504 and Title IX with their name and/or title, address, and phone number in the notice of nondiscrimination.

Documentation:

	Yes	No
Website		
Handbooks		
Job descriptions		
Catalogs		
Interviews with Section 504 and Title IX coordinator(s)		
Interviews with students, particularly nontraditional and those with disabilities		
Interview with faculty and administrators		

Equity Requirement D: Grievance Procedures

Legal Citation: A recipient shall adopt and publish a grievance procedure providing for prompt and equitable resolution of student and employee complaints alleging any discrimination based on sex or disability.

Section 504: 34 CFR 104.7(b) Title IX: 34 CFR 106.8(b) Title II: 28 CFR 35.107(b)

Indicators of Compliance: Recipient notifies students and employees that there is a grievance procedure for persons who feel they have been discriminated against based on sex or disability. The procedure is readily available to students and employees, and it is prompt and equitable.

Documentation:

Is the grievance procedure in:	Yes	No
Student handbooks		
Employee handbooks		
Website		
Data on complaints		
Interviews with faculty, students and administrators		
Interviews with Section 504/ADA and Title IX coordinators		

II. Recruitment, Admissions, and Counseling

Recruitment activities and materials should convey the message that all career and technical education programs are open to all students without regard to race, color, national origin, sex or disability status. Information about career and technical education opportunities should be available to all potential students. Promotional materials should avoid stereotyping. Recruitment teams, to the greatest extent possible, should represent persons of different races, national origins, sexes, and disabilities.

Issues relating to counseling and pre-professional programs may include steering of students toward particular courses or programs that are “traditional” for the student’s race, color, national origin, English language proficiency, sex or disability status. Services and materials related to counseling and recruitment must be free of discrimination and stereotyping in language, content, and illustration.

Equity Requirement A: Admission Criteria and Access to Classes

Legal Citation: A recipient may not judge candidates for admission to career and technical education programs on the basis of criteria that have the effect of disproportionately excluding persons or a particular race, color, national origin, sex or disability. If such disproportionate exclusion occurs, the criteria or standards must be validated as essential for participation.

Recipients must avoid preadmission inquiries about marital, parental or disability status. Postsecondary institutions may not make preadmission inquiries regarding disabling conditions except when taking remedial steps to increase participation when underrepresentation is identified.

A recipient must not deny access to vocational and academic programs or courses to students with a disability on the basis that employment opportunities in any occupation or profession may be more limited for disabled persons than for nondisabled persons.

Guidelines IV-K Guidelines IV-N Title IX: 34 CFR 106.21 (c) Section 504: 34 CFR 104.10
Section 504: 34 CFR 104.42 (b) (4) & (c), Section 504: 34 CFR 104.43(c) Title II: 28 CFR 35

Indicators of Compliance: Demographics of career and technical education programs enrollment are similar to demographics of eligible pool or recipient provides a legitimate nondiscriminatory rationale.

Demographics of specific career and technical education programs are similar to demographics of entire career and technical education enrollment, or recipient provides a legitimate nondiscriminatory rationale.

Admissions procedure, policy and/or practice for career and technical education program enrollment avoid criteria that disproportionately exclude persons of a particular race, color, national origin, sex or disability status.

Admissions criteria that disproportionately exclude have been validated as essential to participation.

Application forms and materials do not request information about marital, parental or disability status.

The institution does not discourage students with disabilities from participating in programs due to potential workplace discrimination.

Documentation:

	Yes	No
Admissions policy for career and technical education programs. Description of the admissions process.		
Procedures and criteria for selective admissions for career and technical education programs (where there are more applicants than can be accommodated)		
Demographics of rejected applicants by selection criteria		
Demographics of selected applicants by selection criteria		
Admissions application form and materials		
Documentation of counseling		
Counseling materials		
Enrollment data		
Number of disabled students by program		
Placement/follow up data		
Interviews		

Equity Requirement B: Access for National Origin Minority Students with Limited English Language Skills

Legal Citation: Recipients may not restrict admission to CTE programs because the applicant, as a member of a national origin minority with limited English language skills, cannot participate in and benefit from CTE instruction to the same extent as a student whose primary language is English. It is the responsibility of the recipient to identify such applicants and assess their ability to participate in CTE instruction.

Postsecondary admission tests are selected and administered in such a way that they accurately reflect the aptitude or achievement of an applicant with impaired sensory, vocal, or speaking skills, rather than measuring their disability (except where these skills are the factors the tests purports to measure).

Section 504: 34 CFR 104.44(b)(3)

Guidelines Section IV-L

Guidelines IV-N

Indicators of Compliance: Admission tests and their manner of administration are validated for use with persons with impaired sensory, vocal, or speaking skills.

Documentation:

	Yes	No
Lists of tests used		
Description of test administration methods for persons with sensory, vocal, or speaking impairments		

Equity Requirement C: Counseling and Prospects for Success

Legal Citation: Recipients must ensure that their counseling materials and activities (including student program selection and career/employment selection), promotional, and recruitment efforts do not discriminate on the basis of race, color, national origin, sex or disability.

Recipients must ensure that counselors do not steer any student to enroll in a particular career or program, or measure or predict a student's prospects for success in any career or program, based upon the student's race, color, national origin, sex, or disability. If a CTE program disproportionately enrolls students of a particular sex, students of a particular race, or students with disabilities, recipients must take steps to ensure that the disproportion does not result from unlawful discrimination in counseling activities.

Recipients may not counsel disabled students toward more restrictive career objectives than nondisabled students with similar abilities and interests.

Title IX: CFR 106.21(a), (b)
 Title IX: CFR 106.34
 Section 504: 34 CFR 104.4(a), (b)
 Title II: 28 CFR 35.130

Title IX: 34 CFR 106.36
 Section 504: 34 CFR 100.3(a), (b)
 Section 504: 34 CFR 104.34(a), (c)
 Guidelines V-A, V-B, V-D.

Indicators of Compliance: The written guidance plan, policy, and procedures ensure nondiscrimination. The written assessment plan ensures nondiscrimination. Career and technical education program enrollments by sex, race, national origin and disability are proportionate to enrollment of these groups in the general student population.

Where enrollments are not proportionate, the institution can furnish a legitimate, nondiscriminatory rationale.

Disabled students have equal access to all programs and classes based on abilities and interests.

Documentation:

	Yes	No
Guidance plan, policy, and procedure		
Assessment plan with a list of tests administered		
Written procedures for evaluation and placement of students with a disability		
Promotional and recruitment materials		
Enrollment demographics by program		
Admission criteria		
Enrollment forms		
Recruitment, admission policies		
Calendar of counseling and pre-vocational activities		

Equity Requirement D: Counseling of Students with Limited English-Speaking Ability or Hearing Impairments

Applicable Requirements: Recipients must ensure that counselors can effectively communicate with national origin minority students with limited English language skills and with students who have hearing impairments. This requirement may be satisfied by having interpreters available.

Guidelines V-D. 34 CFR 100.3(a) and (b) Section 504: 34 CFR 104.47(b)

Documentation:

	Yes	No
Written LEP Policy		
Examples of counselor's communication with students with limited English skills		
Examples of counselor's communication with students with hearing impairments		

Equity Requirement E: Recruitment and Promotional Activities, Materials

Legal Citation: Recipients must conduct their recruitment activities so as not to exclude or limit opportunities on the basis of race, color, national origin, sex or disability. To the extent possible, recruiting teams should represent persons of different races, national origins, sexes and disabilities. Recruitment materials' description of career and occupational opportunities should not be limited on the basis of race, color, national origin, sex or disability.

Title IX: 34 CFR 106.23(a) (b)

Guidelines V-C

Indicators of Compliance: All potential students have access to information. Where possible, persons of differing races, genders and disability are used for recruiting purposes (however, failure to do so should not be construed as noncompliance). Efforts are made to reach underrepresented groups. Descriptions of career opportunities are bias-free and free from stereotyping.

Documentation:

	Yes	No
Recruitment plans		
Staff demographics by program		
Recruitment team demographics by program		
List of recruitment activities and sites		
Description of recruitment activities		

III. Physical Accessibility for Students with Disabilities

List each facility reviewed with the date of construction and/or last alteration date and the career and technical education programs offered therein.

***Note:** 1977, 1991, 1992 are pivotal years. Month, date, and year are necessary to determine the applicable accessibility standard in these years.

Construction dates of January 27, 1992, or after need to be clarified with the sub recipient as to whether they followed ADA or UFAS accessibility standards in construction.

Building Construction and Alterations (Example)			
Institution Name			
Building	Construction or Alteration Date	Applicable Standards	CTE Programs Offered
Student Union	1970 2012 Remodeled Student Services, Bookstore upstairs	Program Access/ 2010 ADA	Student Services (Financial Aid, Admissions, Records, Student Counselors), Common Areas
Student Union Parking Lot	1970 2012 Expanded parking lot to the west	2010 ADA	Student Services (Financial Aid, Admissions, Records, Student Counselors)
Welding Building	1998	1991 ADA	Welding

Applicable Requirements: *Guidelines* Section IV.N; 34 C.F.R. § 104.21; 28 C.F.R. § 35.149.

A recipient may not exclude students with disabilities from its programs or services because its facilities are inaccessible to or unusable by individuals with disabilities. Applicable accessibility standards are determined by the date that a facility was constructed or the date that the facility was most recently altered:

- Construction or Alteration Initiated Before June 3, 1977: The Program Access accessibility standards apply. A recipient shall operate its program or activity so that when each part is viewed in its entirety, it is readily accessible to individuals with disabilities. A recipient is not required to make each of its existing facilities or every part of a facility accessible to and usable by persons with disabilities. 34 C.F.R. § 104.22.
- Construction or Alteration Initiated Between June 3, 1977, and January 17, 1991: The "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Disabled," published by the American National Standards Institute, Inc. (ANSI), apply.
- Construction or Alteration Initiated Between January 18, 1991, and January 26, 1992: The Uniform Federal Accessibility Standards (UFAS) accessibility standards (Appendix A to 41 CFR subpart 101-19.6) apply. 34 C.F.R. § 104.23.
- Construction or Alteration Initiated Between January 27, 1992, and September 14, 2010: The 1991 Americans with Disabilities Act Standards or UFAS accessibility standards apply. 34 C.F.R. § 104.23; 77 Fed. Reg. 14972-73, 14975-76 (2012); 28 C.F.R. § 35.151(c)(1).
- Construction or Alteration Initiated Between September 15, 2010, and March 14, 2012: The 1991 Americans with Disabilities Act Standards or UFAS accessibility standards or 2010 Americans with

Disabilities Act Standards apply. 34 C.F.R. § 104.23; 77 Fed. Reg. 14972-73, 14975-76; 28 C.F.R. § 35.151(c)(2).

- Construction or Alteration Initiated March 15, 2012, or After: The vast majority of MOA subrecipients are public entities and required to comply with Title II. Title II requires compliance with the 2010 ADA standards for all corrective actions. 34 C.F.R. § 104.23; 77 Fed. Reg. 14972-73, 14974-75 and footnote 28, 14976; 28 C.F.R. § 35.151(c)(3).

Equity Requirement A: Construction or Alteration Initiated before June 3, 1977

Legal Citation: A recipient shall operate its program or activity so that when each part is reviewed in its entirety, it is readily accessible to disabled persons. A recipient is not required to make each of its existing facilities or every part of a facility accessible to and usable by persons with disabilities.

The Program Access accessibility standards apply. A recipient shall operate its program or activity so that when each part is viewed in its entirety, it is readily accessible to individuals with disabilities. A recipient is not required to make each of its existing facilities or every part of a facility accessible to and usable by persons with disabilities. 34 C.F.R. § 104.22.
Section 504: 34 CFR 104.22

Equity Requirement B: Construction or Alteration Initiated between June 3, 1977, and January 17, 1991

Legal Citation: The "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Disabled," published by the American National Standards Institute, Inc. (ANSI), apply.

Equity Requirement C: Construction or Alteration Initiated between January 18, 1991, and January 26, 1992

Legal Citation: The Uniform Federal Accessibility Standards (UFAS) accessibility standards (Appendix A to 41 CFR subpart 101-19.6) apply. 34 C.F.R. § 104.23.

Equity Requirement D: Construction or Alteration Initiated between January 27, 1992, and September 14, 2010:

Legal Citation: The 1991 Americans with Disabilities Act Standards or UFAS accessibility standards apply. 34 C.F.R. § 104.23; 77 Fed. Reg. 14972-73, 14975-76 (2012); 28 C.F.R. § 35.151(c)(1).

Equity Requirement E: Construction or Alteration Initiated between September 15, 2010, and March 14, 2012:

Legal Citation: The 1991 Americans with Disabilities Act Standards or UFAS accessibility standards or 2010 Americans with Disabilities Act Standards apply. 34 C.F.R. § 104.23; 77 Fed. Reg. 14972-73, 14975-76; 28 C.F.R. § 35.151(c)(2).

Equity Requirement F: Construction or Alteration Initiated March 15, 2012, or After:

Legal Citation: The vast majority of MOA subrecipients are public entities and required to comply with Title II. Title II requires compliance with the 2010 ADA standards for all corrective actions. 34 C.F.R. § 104.23; 77 Fed. Reg. 14972-73, 14974-75 and footnote 28, 14976; 28 C.F.R. § 35.151(c)(3).

IV. Comparable Facilities

Separate facilities for students with disabilities should be similar in quality and convenience to facilities for students without disabilities. Separate changing rooms, showers, and other facilities for students of one sex should be similar in quality and convenience to the facilities for students of the other sex. Any separate facilities for male, female or students with disabilities should be located in similar proximity to the associated classrooms, shops or laboratories.

Equity Requirement A: Separate Programs/Facilities

Legal Citation: If separate programs or facilities exist for students with disabilities, they are comparable to those for students without disabilities.

Section 504: 34 CFR 104.34(c) Guidelines VI-A

Indicators of Compliance: Facilities are comparable. Programs are comparable. Services are comparable.

Documentation:

	Yes	No
Review of facilities		
Comparison of programs and services offered to both students with disabilities and students without disabilities.		

Equity Requirement B: Comparable Facilities

Legal Citation: Changing rooms, showers, and other facilities for students of one sex are comparable to those provided to students of the other sex.

Changing rooms, showers, and other facilities for students with disabilities are comparable to those provided to students without disabilities.

Title IX 34 CFR 106.33 Section 504: 34 CFR 104.4(b)(ii) Guidelines VI-D

Indicators of Compliance: Locker rooms have approximately the same space and amenities for both males and females. If there is a disparity, the institution provides a legitimate, nondiscriminatory rationale.

Changing rooms, showers, bathrooms and other facilities near the career and technical education areas are comparable for both men and women.

Persons with disabilities have convenient access to changing facilities and shower facilities.

Documentation:

	Yes	No
Visual examination of the facilities		
Interviews with students		
Interviews with staff		

V. Housing in Postsecondary Institutions

Equity Requirement A: Equity in Housing Programs

Legal Citation: Students receive equitable opportunities to benefit from housing programs regardless of their sex, national origin, color, race, or disability.

Title VI: 34 CFR 100.3(b) Title IX: 34 CFR 106.32 Section 504: 34 CFR 104.45
Guidelines VI-C

Indicators of Compliance: The on-campus housing reflects the demographics of the general student population. If an apparent disparity exists, the institution offers a legitimate, nondiscriminatory reason.

Documentation:

	Yes	No
Data of those living on campus		
Interviews with students		
Interviews with residence hall staff		

Equity Requirement B: Housing program meets Section 504 and Title II accessibility requirements

Legal Citation: The institution offers students with disabilities on-campus or off-campus housing that is comparable, convenient, and accessible to students with disabilities, at the same cost and under the same conditions as offered to nondisabled students.

Section 504: 34 CFR 104.45 Guidelines VI-C

Indicators of Compliance: The housing program meets 504 and Title II accessibility requirements. Students with disabilities have a full range of features and prices to choose from.

Documentation:

	Yes	No
Brochure with features and prices for standard rooms and accessible rooms		
Interviews with students		
Disaggregated demographic study of who is living in the residence halls		

Equity Requirement C: Housing Equity, Nondiscrimination agreements with off-campus housing providers

Legal Citation: If an off-campus housing service is provided for students by arrangement with the institution, there is evidence that it is serving all students regardless of their sex, race, color, national origin or disability. The college does not cooperate with any landlord who discriminates on the basis of race, color, national origin, sex or disability.

Title VI: 34 CFR Title IX: 34 CFR Section 504: 34 CFR Guidelines VI-C

Indicators of Compliance: The institution has nondiscriminatory agreements in place with off-campus housing providers. Written “contract” with the landlord includes the notification of nondiscrimination.

Timely investigation initiated and corrective action taken in response to any complaint. The institution acts to resolve allegations of discrimination against off-campus housing providers operating under contract or similar agreements.

Documentation:

	Yes	No
Data showing who is using the off-campus housing service		
Sample of off-campus housing contracts and agreements		
Interviews with students		
Interviews with off-campus housing staff		
Interviews a sample of landlords		

VI. Services for Students with Disabilities

No qualified person with a disability may be excluded from, denied benefits of, or subjected to discrimination in any course, program, or activity. A recipient may not restrict access for students with disabilities to institutions, programs, services and activities because of architectural barriers, equipment barriers, the need for related aids and services, or the need for auxiliary aids. Section 504 and ADA Title II are based upon the premise that students with disabilities will be integrated with their nondisabled peers as much as possible. Historically, the assumption was made that person with disabilities would not be able to function and the able-bodied should not put them in a position where they might be “uncomfortable”. However, research shows that gains made by persons with disabilities in the educational setting are enhanced when they are integrated with the appropriate aids and services. The Section 504 requirements for services for elementary and secondary students with disabilities are different from the requirements for services for postsecondary students with disabilities.

Interviews with the following persons may clarify compliance with this standard: Agency CEO, Guidance Counselors, Department Chairs, ADA and Section 504 Coordinators, coordinator for Disabled Student Services, facilities Director. In addition to interviews, a visual inspection of facilities should be conducted.

Equity Requirement A: Program Access

Legal Citation: No qualified person with a disability is excluded from, denied benefits of, or subjected to discrimination in any course, program service or activity solely on the basis of disability.

Section 504: 34 CFR 104.4(a) Title II: 28 CFR 35.130(a) Guidelines IV-N

Indicators of Compliance: The agency implements policies and procedures ensuring access for students with disabilities to programs, services, and activities.

Documentation:

	Yes	No
Board policy		
Student handbooks		
Membership lists in clubs and activities		
Procedures for selection into clubs, activities, and programs		
Criteria for admission into courses, programs, services, and activities		

Equity Requirement B: Exclusion

Legal Citation: Disabled students must not be excluded from vocational, career or academic programs, courses, services or activities due to equipment barriers or because necessary related aids and services or auxiliary aids are not available.

Guidelines IV-N

Indicators of Compliance: The recipient provides appropriate aids and services for students with disabilities and does not have policies that limit participation of students with disabilities.

Documentation:

	Yes	No
Example(s) of equipment adapted		
Description of policy for providing aids and services		
Description of aids and services available/provided/denied		
List of materials/resources available for seeing or hearing impaired		
Enrollment data by program		
Number of disabled students denied admission		
Student handbook/college catalog		
Policies governing use of guide dogs, tape recorders, note takers		
Interviews		

Equity Requirement C: Postsecondary 504 Services

Legal Citation: If academic requirements that are essential to the career and technical program have the effect of discriminating against applicants or students on the basis of a disability, the institution should provide academic adjustments, including modified course examinations and auxiliary aids and services, for qualified disabled persons to complete a degree program and/or licensure requirements.

Section 504: 34 CFR 104.44(a)

Indicators of Compliance: List of academic adjustments available to disabled students who need such modifications in order to succeed in a career and technical education program. Please note: this list should also identify the providers for such services.

Documentation:

	Yes	No
Interviews with coordinator and faculty providing services for students with disabilities		
Records or equipment schedules for the provision of auxiliary aids and services to individuals students with disabilities.		
Interviews with students with disabilities		

Equity Requirement D: Adjustment

Legal Citation: Postsecondary recipients need to adjust academic requirements to meet the needs of individual students with a disability.

Section 504: 34 CFR 104.44(a)

Title II: 28 CFR 35.130(b)(7)

Guidelines IV-N

Indicators of Compliance: The recipient adjusts academic requirements as appropriate to meet the needs of students with disabilities.

Documentation:

	Yes	No
Number of students with disabilities in various courses and programs		
List of programs in which particular students with disabilities have been denied access		
Programs in which essential requirements or licensing requirements may have prevented access		
List of modifications by program		
Interviews		

Equity Requirement E: Examinations

Legal Citation: Course examinations or other procedures for evaluating students’ academic achievements are administered in such a way that disabled students’ aptitudes or achievement levels or other relevant factors are measured and not the disability.

Section 504: 34 CFR 104.44(c)

Title II: 28 CFR 35.130(b)(8)

Guidelines IV-N

Indicators of Compliance: The agency accommodates needs of students with disabilities during testing.

Documentation:

	Yes	No
Lists of modifications to tests or test administration		
Location of testing; facility accessibility, auditory/lighting adequate		
Procedures for determining need		
Interviews		

VII. Financial Assistance

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

A college may administer or assist in the administration of scholarships, fellowships or other forms of financial assistance established pursuant to domestic or foreign will, trust, bequests, or similar legal instruments or by acts of a foreign government which require that awards go to a student of a particular sex, race or national origin, or with a particular disability. However, the overall effect of such restricted awards and scholarships must not lead to discrimination in access to total scholarships on the basis of sex, race, national origin or disability.

While this is primarily a postsecondary issue, secondary schools helping to prepare students for postsecondary experiences can help disadvantaged students by being aware of this requirement because financial aid is often the stumbling block for those historically underrepresented in postsecondary education.

Interviews with the following persons may clarify compliance with this standard: Financial Aid Director, Financial Aid Counselors, Guidance Counselors, Department Chairs, Title IX Coordinator, 504/ADA Coordinators.

Equity Requirement A: Availability

Legal Citation: Financial assistance is available to all students regardless of sex, race, color, national origin or disability.

Title VI: 34 CFR 100.3(b)
Section 504: 34 CFR 104.46(a)

Title IX: 34 CFR 106.37
Guidelines VI-B

Indicators of Compliance: Institutional data on financial aid demonstrates that there is equitable distribution of financial aid regardless of sex, race, color, national origin or disability.

If an apparent disparity exists, the institution offers a legitimate, nondiscriminatory reason.

Documentation:

	Yes	No
Financial aid data by sex, race, color, national origin or disability.		
Interviews with students		
Interviews with financial aid staff		
Interviews with counselors		

Equity Requirement B: Awards

Legal Citation: Sex-restricted awards are made only when established by will, trust, bequest or other legal instrument. The overall effect may not discriminate on the basis of sex.

Title IX: 34 CFR 106.37

Guidelines VI-B

Indicators of Compliance: Documentation is available as to the number and amount of aid given as a result of will, trust, bequest or other legal instrument.

Overall, the institution’s financial assistance does not discriminate on the basis of sex.

Documentation:

	Yes	No
Review of all financial assistance given as a result of trust, bequest, or other legal instrument.		
Review of all sex-restricted financial aid given.		
Review total list of financial aid to ensure the overall effect does not discriminate.		

Equity Requirement C: Information

Legal Citation: Information about financial assistance is equitably written and does not lead students to believe it is awarded on a discriminatory basis.

Guidelines VI-B

Indicators of Compliance: Materials written provide information equitably.

All written materials contain the nondiscrimination statement.

Institutional awards provided as a result of the group being historically underrepresented or as a result of a bequest, trust or other legal instrument is acknowledged as such in the written materials.

Documentation:

	Yes	No
Review materials written for students and families concerning the financial assistance available.		
Interviews with students		
Interviews with financial aid staff		

Equity Requirement D: Limited English-Speaking Ability

Legal Citation: National origin minority persons with limited English language skills receive information about financial assistance in their own language.

Guidelines VI-B

Indicators of Compliance: Community demographics indicate that national origin minority persons with limited English language skills are a part of the population served by the college.

Communications about financial assistance is available in the home language of these members of the community.

Documentation:

	Yes	No
Review written communications		
Review demographics of the area served by the college		
Interviews with students		
Interview bilingual interpreters		

VIII. Work Study, Cooperative Programs, and Job Placement

An agency not only has the responsibility to provide its services in a nondiscriminatory manner, but it also has the responsibility not to foster discrimination by businesses that provide employment or workplace learning sites. To be a partner in that discrimination is illegal. Assignments cannot be made or withheld in such programs simply because of the sex, race, national origin or disability of the student. It is also illegal to cooperate with an employer that requests students on the basis of sex, race, color, national origin or disability status. It is recommended that

agencies have written agreements whereby the cooperating worksite indicates that they will not discriminate and that they understand the institution or college will not work with any business that does.

In the same way that an employer may not discriminate, and the educational agency may not work with any that do discriminate, it also has the responsibility to ensure that entities sponsoring apprenticeship programs such as unions do not discriminate. To be a partner in that discrimination is illegal. Assignments cannot be made or withheld in an apprenticeship program simply because of the sex, race, color, national origin or disability of the student. A written agreement is recommended whereby the apprenticeship program indicates it will not discriminate on these bases. It is necessary to review these written agreements, the assignments of students presently in such programs and the placement process to see whether any such patterns exist.

Equity Requirement A: Opportunities

Legal Citation: Opportunities in work study, cooperative education and job placement programs are available to all students regardless of race, color, national origin, sex or disability.

Title VI: 34 CFR 100.3(b) Title IX: 34 CFR 106.31(d) Section 504: 34 CFR 104.4(b)

Guidelines VII-A

Indicators of Compliance: Students in the work-study, cooperative education and job placement programs are representative of the demographics of the institution or program.

If there is a disparity, the institution provides a legitimate, nondiscriminatory rationale.

Documentation:

	Yes	No
Review of enrollment data in the work-study, cooperative education and job placement programs		
Interviews with students		
Interviews with staff		

Equity Requirement B: Employer Nondiscrimination Assurance

Legal Citation: A recipient that assists employers and prospective employers in making employment opportunities available to any of its students must ensure that the employer does not discriminate on the basis of race, color, national origin, sex or disability in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility and pay.

Title VI: 34 CFR 100.3(b) Title IX: 34 CFR 106.38 Section 504: 34 CFR 104.46(b)

Guidelines VII-A

Indicators of Compliance: Workplace agreements contain an assurance of nondiscrimination that is signed by both the employer and the recipient. The recipient does not honor any employer’s requests for students who are free of disabilities or for students of a particular race, color, national origin or sex.

Documentation:

	Yes	No

Review of workplace assignments, hours of work and job assignments.		
Interviews with students		
Interviews with staff		

Equity Requirement C: Non-discrimination

Legal Citation: Recipients may not enter into an agreement for the provision or support of apprentice training for students or union members with any labor union or other sponsor that discriminates against its members or applicants on the basis of race, color, national origin, sex or disability.

Title VI: 34 CFR 100.3(c) Title IX: 34 CFR 106.31(d) Section 504: 34 CFR 104.11(a)(4)

Guidelines VII-B

Indicators of Compliance: Verification that staff understands this requirement. Verification that staff has not honored any request which may be suspected as discriminatory.

Documentation:

	Yes	No
Policy or written procedure		
Interview with students		
Interview with staff		
Interview with sponsors of apprenticeship programs		

Equity Requirement D: Written Assurance

Legal Citation: A written agreement between the institution and the labor union or other sponsor includes an assurance of nondiscrimination on the basis of race, color, national origin, sex or disability.

Guidelines VII-B

Indicators of Compliance: Written agreement between apprenticeship program and the recipient contains the nondiscrimination statement that is signed by both parties.

Documentation:

	Yes	No
Review of the written agreement		

IX. Employment

Recipients are prohibited from engaging in any employment practice that discriminates against any employee or applicant for employment on the basis of sex, disability, race, color or national origin. Specific issues include employment policies, recruitment and selection matters, salary establishment and administration, reasonable accommodation and overcoming the effects of past discrimination.

Suggested Persons to Interview: Personnel Director/Human Resources Director/Human Director, Recruiters or Personnel Staffing Specialists, Affirmative Action Officer, Top Managers, Members of Recruitment and Selection Teams or Committees, Recent hires, Union Officers or Negotiators, Staff who are members of protected groups.

Equity Requirement A: Employment Practices

Legal Citation: Recipients may not engage in any employment practice that discriminates against any employee or applicant for employment on the basis of sex or disability. Recipients may not engage in any employment practice that discriminates on the basis of race, color or national origin if such discrimination tends to result in segregation, exclusion or other discrimination against students. Recipients may not make pre-employment inquiries concerning disability, marital or parental status.

Title VI: 34 CFR 100.3(c) Title IX: 34 CFR 106.51, 106.57, 106.60
 Section 504: 34 CFR 104.13, 104.14 Guidelines VIII-A

Indicators of Compliance: Recipient’s employment practices are conducted without regard to race, color, national origin, sex or disability of applicants or employees.

Application forms and materials are free from prohibited questions concerning disability or marital or parental status.

Documentation:

	Yes	No
Hiring policies and procedures		
Advancement policies and procedures		
Employee handbooks		
Application materials and forms		
Screening committee policies and procedures		
Rating systems		
Job announcements		
Recruitment policies		

Equity Requirement B: Notification

Legal Citation: The recipient must notify every source of faculty that it does not discriminate on the basis of race, color, national origin, sex or disability.

Guidelines VIII-B

Indicators of Compliance: Local education agency or postsecondary institution notifies its sources of faculty that it does not discriminate on the basis of race, color, national origin, sex or disability.

Documentation:

	Yes	No
Application form for employment		
Vacancy announcements and advertisements		
Recruitment letters or contacts		
Personnel web site and other related recruitment documents		
Published nondiscrimination statement in newspapers, student handbooks, other college materials		

Equity Requirement C: Salary Scales

Legal Citation: The recipient should establish and maintain faculty salary scales on the basis of the conditions and responsibilities of employment without regard to race, color, national origin, sex or disability.

Title IX: 34 CFR 106.54 Section 504: 34 CFR 104.11, 104.12 Guidelines VIII-D

Indicators of Compliance: Faculty salary scales and policy are based upon the conditions and responsibilities of employment without regard to race, color, national origin, sex or disability.

Faculty assignment patterns are nondiscriminatory on the basis of race, color, national origin, sex or disability.

Non-faculty salary administration is based upon the conditions of employment without regard to race, color, national origin, sex or disability.

Documentation:

	Yes	No
Faculty salary schedules and related policies		
Faculty assignment information by race/ethnic group, sex and disabled staff		
A non-faculty classification/compensation system is in place that evaluates jobs and places them in appropriate salary ranges according to working conditions and levels of employment responsibility		

Equity Requirement D: Equal Employment Opportunities

Legal Citation: Recipients must provide equal employment opportunities for teaching and administrative positions to disabled applicants who can perform the essential functions of the positions and make reasonable accommodations for the physical or mental limitations of disabled (otherwise qualified) applicants unless it can be demonstrated that such accommodations would impose undue hardship.

Section 504: 34 CFR 104.12 Guidelines VIII-E

Indicators of Compliance: Recipient’s employment policies do not unlawfully discriminate against the disabled.

Disabled persons are employed in teaching and administrative positions and are not treated differently in promotion and tenure decisions.

Documentation:

	Yes	No
Number of staff with disabilities		
Copies/descriptions of policies, procedures and criteria considered for hiring, promotion, retention and tenure including professional and non-professional applications		

Appendix

SUMMARY OF FEDERAL AND STATE LAWS AND REGULATIONS

Summary of Federal and State Laws and Regulations Prohibiting Discrimination in Educational Institutions and Agencies and State Government

Title VI of the Civil Rights Act of 1964

[Pub.L. 88-352, Title VI, §601, 78 Stat.252, 42 USCA §2000d]

Title VI of the Civil Rights Act prohibits discrimination against students on the grounds of race, color, or national origin in programs receiving federal funds. Title VI and related case law prohibits discrimination on the basis of race in student admissions, access to courses and programs, and student policies and their application. They also require the provision of bilingual instruction or some other method of compensating for students of limited English-speaking ability. Title VI covers any institution or agency receiving federal funds. Most education activities of the recipient agency or institution are covered, even some activities or programs not in direct receipt of federal funds. Title VI is enforced by the Office for Civil Rights of the U.S. Department of Education.

Title IX of the 1972 Education Amendments

[Pub.L. 92-318, Title IX, §§901,902, 86 Stat.373, 374, 20 USCA §§1681, 1682]

Title IX prohibits discrimination on the basis of sex against students and employees of education programs and activities receiving federal funds. Nearly all elementary, secondary and postsecondary institutions are covered under this legislation. The Title IX regulations prohibit sex discrimination in the areas of programming and employment. Title IX is enforced by the Office for Civil Rights of the U.S. Department of Education.

Section 504 of the 1973 Rehabilitation Act

[Pub.L. 93-112, as amended by the Rehab. Act Amendments of 1974, Pub.L. 93-516, 29 USC §794; 20 USCA §1405, 20 USCA §794]

Section 504 prohibits discrimination on the basis of disability in employment and programming by all recipients of federal financial assistance. Section 504 is enforced by the Office for Civil Rights of the U.S. Department of Education.

Americans with Disabilities Act of 1990

[Pub.L. 101-336, 104 Stat.327, 42 USC §12101 nt]

The ADA's essence rests in its prohibition against the exclusion of people from jobs, services, activities, or benefits based on disability. To that end, the ADA's five sections, or titles, cover employment, state and local governments and transportation, public accommodations, telecommunications, and miscellaneous provisions.

Title I of the ADA covers the employment relationship. Effective July 26, 1992, Title I prohibits employers with 25 or more employees (the threshold dropped to 15 employees on July 26, 1994) from discriminating against otherwise qualified job applicants and workers who have

disabilities or become disabled. The job application process, the hiring decision, promotions, training, and wages are all covered by the title.

Title II of the Act, covering “public entities” (state and local governments) and transportation, extends the prohibition of discrimination in programs receiving federal funds established by Section 504 of the Rehabilitation Act (29 USC 794) to all public entities, whether or not they receive federal financial assistance.

Title III of the ADA requires that places of public accommodation and commercial facilities be accessible to people with disabilities. Commercial facilities under Title III are defined as non-residential facilities, including office buildings, factories, and warehouses, whose operations affect commerce.

Title IV of the ADA amends the Communications Act of 1934 (47 USC 151 et seq.) to provide for telecommunications relay services for hearing- and speech-impaired individuals and to provide closed-captioning of public service announcements.

Title V is the catchall title of the ADA. It includes provisions on accessibility standards, as referenced in Title III; enforcement provisions; attorney’s fees; insurance issues; relationship to other laws; coverage of Congress; and, among other things, the publication of technical assistance manuals by federal agencies.

DEVELOPING A VOLUNTARY COMPLIANCE PLAN

DEFINITION

A Voluntary Compliance Plan is a written plan developed by the institution outlining the exact procedures and actions it will take to correct items or issues requiring corrective action that were identified in the Final Letter of Findings.

TIMELINESS FOR SUBMISSION

Institutions have 15 calendar days following the date on the cover letter for the On-Site Review Final Report (Letter of Findings), to submit a compliance plan. A draft of the compliance plan should be submitted within 10 days for initial review and comment. Technical assistance for the development and implementation of the Voluntary Compliance Plan will be provided by Board staff and will be available upon request.

PROCEDURE FOR DEVELOPMENT

An individual or a team representing the institution will develop the Voluntary Compliance Plan.

COMPONENTS OF A COMPLIANCE PLAN

The following information must be included (see suggested format - appendix)

1. Name of the institution.
2. Signature of campus official (most likely the institution President).
3. Date of submission of the plan.
4. Identification of each non-compliance item identified in the Final Letter of Findings as needing corrective action.
5. Statement of Board staff's recommendation(s) for compliance.
6. Planned correction action - statement of action to be taken in order to comply.
7. Identification of activities/steps, such as specific tasks that must be accomplished in order to complete the planned corrective action.
8. Timeline(s) or the date(s) each activity/step will begin and be completed.
9. Person/position responsible, i.e. the specific personnel designated to initiate and monitor the implementation of the tasks/activities.
10. (Optional) Technical assistance needs, i.e. identification of the specific resources needed in order to comply, identification of the source that is expected to provide the resource(s), and the identification of date(s) by which the resource(s) will be provided.
11. Monitoring and Evaluation -- identification of tangible examples, products or outcomes which can be examined and assessed by Board staff to determine whether the institution has made changes or provisions necessary for complying (includes photos, screenshots of documents, etc.).

NOTE:

- Plans should be completed as soon as possible, with no plan taking more than three years to complete.
- VCP template will be sent to the On-site Coordinator

PROCEDURES FOR SUBMISSION AND REVIEW

Within the required time response (10 calendar days), a draft of the Voluntary Compliance Plan should be submitted to: Tobias D Wood twood@ksbor.org or Laura Leite llete@ksbor.org

- When the draft is received, Board staff will review it, and may recommend modifications to the plan.
- The institution will be consulted regarding modifications, if needed.
- The institution will submit a final Voluntary Compliance Plan, signed by the institution President, within 15 calendar days of receipt of the Final Letter of Findings.
- Following approval by Board staff, a response will be issued via email.

