

IDENTIFYING AND ELIMINATING BARRIERS TO CAREER AND TECHNICAL EDUCATION FOR STUDENTS WITH DISABILITIES IN VIRGINIA'S SECONDARY SCHOOLS

BACKGROUND

As a result of litigation in 1973, (*Adams v. Califano*), the Department of Health Education and Welfare, the precursor to the U.S. Department of Education, was directed to enforce civil rights requirements in vocational education programs through compliance reviews, a survey of enrollments and related data, and the issuance of guidelines explaining the application of Title VI regulations to vocational education.

These guidelines, *The Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap*, Federal Register, March 21, 1979, Vol. 44, No. 56, (*The Guidelines*), require each state education agency to conduct on-site compliance reviews of local education agencies that provide career and technical education programs and receive federal financial assistance. The person assigned to carry out these duties is designated by the Office for Civil Rights (OCR) as the Methods of Administration (MOA) Coordinator.

In addition to *The Guidelines*, the following civil rights laws are considered when determining compliance:

- ***Title VI of the Civil Rights Act of 1964*** (prohibiting discrimination based on race, color, and national origin) 34 CFR Part 100
- ***Title IX of the Education Amendments of 1972*** (prohibiting discrimination based on sex) 34 CFR Part 106
- ***Section 504 of the Rehabilitation Act of 1973*** (prohibiting discrimination based on disability) 34 CFR Part 104
- ***Title II of the Americans with Disabilities Act of 1990*** (prohibiting discrimination based on disability) 28 CFR Part 35

PROCESS

The 1996 *Memorandum of Procedures* issued by OCR requires state education agencies to conduct on-site reviews on an annual basis of at least 2.5% of the universe of subrecipients and state operated programs. For Virginia that translates to four (4) subrecipients. These

school divisions or subdivided school divisions are initially reviewed in a desk audit using a targeting plan composed of quantitative indicators, which is pre-approved by the OCR. The target pool of subrecipients is rank ordered based on greatest potential for civil rights violations, with the top four highest scorers selected for on-site compliance reviews.

On-site civil rights compliance reviews focus on requirements in eleven areas:

- Administrative (*Annual Nondiscrimination Notice; Continuous Nondiscrimination Notice; Grievance Procedures*)
- Employment (*hiring and promotion practices, application forms and materials, salary scales*)
- Recruitment (*demographics of recruitment team, recruitment materials and practices*)
- Access and Admissions (*admissions procedures and practices, applications, provisions for LEP and disabled students*)
- Accessibility (*physical structure of areas within buildings and their grounds for mobility impaired*)
- Comparable Facilities (*facilities programs and services provided for males/females and disabled/ non-disabled*)
- Services for Students with Disabilities (*accommodations and modifications provided for disabled students, **parents**, and the **public***)
- Student Financial Assistance (*formal and informal assistance provided*)
- Counseling and Pre-career and Technical Programs (*promotional/recruitment materials, scheduling methodologies, counseling of LEP, disabled, and female/male students*)
- Site Location (*of CTE programs/courses and technical centers*)
- Work Study, Cooperative Education, Job Placement and Apprentice Training (*provision of opportunities to all, workplace agreements, placement methodology*)

Of the eleven (11) focus areas of the on-site civil rights compliance review, seven (7) of them could reveal direct barriers to students with disabilities in gaining access to CTE programs and courses. These areas are:

- Counseling and Pre-Career and Technical Programs
- Recruitment
- Access and Admissions
- Services to Students with Disabilities

- Accessibility
- Comparable Facilities
- Work Study, Cooperative Education, Job Placement and Apprentice Training

RESULTS

Over the last four school years 16 school divisions and 2 regional vocational schools have received on-site civil rights compliance reviews. The breakdown of findings is below.

ACCESSIBILITY & SERVICES TO STUDENTS WITH DISABILITIES:

- All 18 of subrecipients had findings of noncompliance in the area of Accessibility.
- By virtue of the fact that all 18 were found to have noncompliance in physical accessibility, they were also found to have noncompliance in the area of Services to Students with Disabilities.
- If issues with physical accessibility exist, they could hinder a disabled student's ability to fully participate in CTE as well as other programs and services offered by a school division.
- Five (5) of the reviewed subrecipients were found to have noncompliance in physical accessibility and noncompliance in their policies and/or procedures for identifying students with disabilities. Thus, the provision of a free appropriate public education (FAPE), by way of needed accommodations and modifications in core academics and CTE for disabled students, is questionable in these subrecipients.

COMPARABLE FACILITIES:

- Comparable facilities issues were found in regard to sex in seven (7) of the reviewed subrecipients.
- One subrecipient was found to have a disparaging difference in facilities for disabled students versus non-disabled students.
- Almost all Accessibility issues give rise to Comparable Facilities issues for students with disabilities, unless alternate equitable alternatives are provided by the school division.

ACCESS AND ADMISSIONS:

- Two (2) reviewed subrecipients were found to have questions on their applications for admission that would reveal a student's disability status.
- Knowing a student has a disability before being considered for a program could taint the selection process, thus barring his/her access to certain CTE programs and courses.
- Information regarding a student's accommodations can be requested after he/she is selected for a particular program.

RECRUITMENT:

- Recruitment issues have only risen in two (2) subrecipients in regard to Limited English Proficiency/English Language Learners (LEP/ELL) and sex, not disability.

COUNSELING AND PRE-CAREER AND TECHNICAL PROGRAMS & WORK STUDY, COOPERATIVE EDUCATION, JOB PLACEMENT AND APPRENTICE TRAINING

- No findings in the areas of Counseling and Pre-career and Technical Programs, and Work Study, Cooperative Education, Job Placement and Apprentice Training related to students with disabilities over the last four school years.
- These areas, along with recruitment, are the most difficult to verify that a systemic practice of steering or leading a student away from or toward a particular program or course based on their disability status exists in a school division.

SUMMARY

- Most barriers to CTE programs and courses for students with disabilities are within the areas of Accessibility and Services to Students with Disabilities.