



Review of
Career and Technical Education

to
identify and eliminate barriers for
Students with Disabilities
in
Virginia's Secondary Schools

VDOE
Office of Federal Program Monitoring



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.



Background (con't.)

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)

SEA REQUIREMENTS:

- ❖ Conduct on-site compliance reviews of local education agencies that provide CTE programs and receive federal financial assistance
- ❖ Utilize criteria for selecting on-site reviews that target subrecipients having the greatest potential for noncompliance

Federal Compliance Requirements

U.S. ED REGULATIONS IMPLEMENTING:

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

 ***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

U.S. DOJ REGULATIONS IMPLEMENTING:

 ***Title II of the Americans with Disabilities Act of 1990***
(prohibiting discrimination based on disability) 28 CFR Part 35



Process

OCR 1996 Memorandum of Procedures:

- Conduct annual on-site reviews in 2.5% of the universe of subrecipients and state operated programs
 - Translates to four (4) on-site reviews
- School divisions or subdivided school divisions are reviewed in a desk audit using an OCR approved targeting plan
- Target pool of subrecipients is rank ordered with the top four highest scorers selected for on-site compliance reviews



Targeting Plan Rubric

Indicators

- 1) The number of schools serving students at the secondary level that offer career and technical education programs
- 2) The number of secondary CTE programs unequal in sex (unequal- 20% or greater difference between male and female enrollment in each CTE program)
- 3) Unequal enrollment of disabled students in secondary CTE compared to disabled secondary students in the division (unequal- 10% or greater difference between CTE disabled enrollment and secondary disabled enrollment in the division)
- 4) The number of limited English proficient (LEP) subgroups that comprise 5% or more of a division's enrollment
- 5) Unequal enrollment of minority students in secondary CTE programs compared to minority secondary students in the division (unequal- 10% or greater difference in secondary CTE minority enrollment compared to the secondary minority enrollment in the division)
- 6) The number of years since the last on-site civil rights review



On-site Civil Rights Compliance Reviews

Eleven focus areas...

1. Administrative-

- *Annual Nondiscrimination Notice*
- *Continuous Nondiscrimination Notice*
- *Grievance Procedures*

2. Employment- (*hiring and promotion practices application forms and materials, salary scales*)

Focus Areas (con't.)

3. **Counseling and Pre-career and Technical Programs-** (*promotional/recruitment materials, scheduling methodologies, counseling of LEP students, students with disabilities, and female vs. male students*)
4. **Recruitment-** (*demographics of recruitment team, recruitment materials and practices*)
5. **Access and Admissions-** (*admissions procedures and practices, applications, provisions for LEP and students with disabilities*)

Focus Areas (con't.)

6. **Services to Students with Disabilities-** (*accommodations and modifications provided for students with disabilities; public events accessible to **parents** and **others***)
7. **Accessibility-** (*physical structure of areas within buildings and their grounds for disabled persons*)
8. **Comparable Facilities-** (*facilities, programs and services provided for males vs. females and students with disabilities vs. students without disabilities*)



Focus Areas (con't.)

9. **Student Financial Assistance-** *(formal and informal assistance provided to students)*
10. **Work Study, Cooperative Education, Job Placement & Apprenticeship Training-** *(provision of opportunities to all, workplace agreements and placement methodology)*
11. **Site Location-** *(of CTE programs/courses and technical centers)*



Noncompliance in the following focus areas directly impact access to CTE for students with disabilities:

- **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 Apprenticeship Training**



RESULTS

Over the last four school years 16 school divisions and two regional technical centers have received on-site civil rights compliance reviews.

The results per focus area are as follows...

RESULTS (con't.)

➤ **ACCESSIBILITY and SERVICES TO STUDENTS WITH DISABILITIES**

- *All 18 of the reviewed subrecipients were found to be noncompliant in the area of ACCESSIBILITY therefore*
- *All 18 were found to have noncompliance in the area of SERVICES TO STUDENTS WITH DISABILITIES (accessibility of public events to parents and others)*
- *Five (5) of the reviewed subrecipients were found to have noncompliance in both physical accessibility and in their policies and/or procedures for identifying students with disabilities under Section 504*

➤ **COMPARABLE FACILITIES**

- *Found in regard to **disability** in one (1) reviewed subrecipient*
- *Found in regard to **sex** in seven (7) of the reviewed subrecipients*
- *Almost all ACCESSIBILITY issues give rise to comparable facilities issues for students with disabilities*

RESULTS (con't.)

➤ ACCESS AND ADMISSIONS

- *Two (2) subrecipients had questions on their applications for admission that would reveal a student's disability status*

➤ RECRUITMENT

- *Noncompliance found in two (2) entities in regard to Limited English Proficiency/English Language Learners (LEP/ELL) students and **sex**, not disability*

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

- *No issues found*
- *These two focus areas and **RECRUITMENT** are the most difficult to verify that systemic practices of steering or leading exist within a subrecipient*



SUMMARY

- Analysis of information from on-site civil rights reviews since the 2006-2007 school year indicate that most noncompliance found in subrecipients during on-site civil rights compliance reviews exist in the focus areas of **ACCESSIBILITY** and **SERVICES TO STUDENTS WITH DISABILITIES**

Eliminating Noncompliance

- ❖ Send formal report to subrecipient following on-site review
- ❖ Require corrective action plan
- ❖ Monitor subrecipient via collection of evidence/ documentation of correction; continuous contact until the completion of the VCP (*sometimes up to 5 years*)
- ❖ Prepare biennial report to the U.S. ED- Office for Civil Rights (*contains reports of all on-site reviews for 2 years*)
- ❖ Provide technical assistance to all LEAs regarding maintenance of civil rights compliance



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