Virginia Department of Education

Office of Career and Technical Education

# CTE Civil Rights On-Site Review Checklist

**Federal Compliance Requirements**

U.S. Department of Education laws and regulations implementing:

* Title VI of the Civil Rights Act of 1964 (Title VI), *34 CFR Part 100*
* Title IX of the Education Amendments of 1972 (Title IX), *34 CFR Part 106*
* U.S. Department of Education Title IX Final Rule *(carries the force and effect of law as of August 14, 2020)*
* Section 504 of the Rehabilitation Act of 1973 (Section 504), *34 CFR Part 104*
* Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services On The Basis Of Race, Color, And National Origin, Sex And Handicap (Guidelines), *34 CFR Part 100 Appendix B*

U.S. Department of Justice laws and regulations implementing:

* Title II of the Americans with Disabilities Act of 1990 (ADA), *28 CFR Part 35*

## ADMINISTRATIVE

Administrative Issues

Recipients need to have certain base requirements in place to comply with the Office of Civil Rights (OCR) Guidelines, Title VI, Title IX, and Section 504. These basic procedures include an annual public notice, continuous notification, designation of individuals to coordinate activities under Title IX and Section 504, and a grievance procedure that will allow students an avenue for dealing with discrimination from faculty, fellow students, and administrators. To verify this, it will be necessary to review many documents and to interview administrators, Title IX and Section 504 coordinators, faculty, and students.

### Annual Public Notification

**Nondiscrimination Requirement/Legal Cites:**

1. Prior to the beginning of each school division 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.
2. The notice must include a brief summary of program offerings and admission criteria and the name, office address, and phone number of persons designated to coordinate compliance under Title IX and Section 504. *Title IX: 34 CFR §106.8(b); Section 504: 34 CFR §104.7(a); Title II: 28 CFR §35.107(a); Guidelines IV-O*

**Indicators of Compliance**

* Recipient issues annual public notice of nondiscrimination.
* The notice also is disseminated in any language other than English as needed.
* Annual notice lists coordinators of Section 504/ADA and Title IX with their name/title (Title IX Coordinator), address, email, and phone number.
* If there is a community of national minority persons with limited English language proficiency skills, annual notice in native language and state the “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 Career and Technical Education (CTE) programs.”

**Documentation:**

Is the notice in:

* Local newspapers?
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Social media?
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* School division website?
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Other publications?
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Does notice have brief description of program offerings and admission criteria?
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Do publications with notice reach students, parents, employees, and applicants?
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
	+ Describe method used:

* Is notice available to persons with visual impairments?
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Does community have national origin minority students? If yes, is public notice provided in the applicable language(s) of that national origin minority?
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* How does notice get disseminated to national origin minority population(s)?
	+ Describe method used:

**Comments:**

### Continuous Nondiscrimination Notice

**Nondiscrimination Requirement/Legal Cites**

1. Recipient shall take continuing steps to notify participants, beneficiaries, applicants, elementary and secondary school division parents, employees (including those with vision or hearing impairments), and unions or professional organizations holding collective bargaining or professional agreements with the recipient 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.
* Recipient lists coordinators of Section 504 and Title IX with their name/title (Title IX Coordinator), address, email, and phone number in the notice of nondiscrimination.

**Documentation:**

Is nondiscrimination notice found in the following publications:

* Brochures on programs, activities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Student application
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Job application
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Catalog
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Student handbook
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Job announcements
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Posters advertising various programs
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Recruitment materials
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Website
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Social media
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* School division newspaper
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Persons responsible for coordinating Title IX and Section 504/ADA

**Nondiscrimination Requirement/Legal Cites**

1. Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Section 504 and Title IX. *Section 504: 34 CFR §104.7(A); Title IX: 34 CFR §106.8*
2. The recipient must notify students and employees of the name, office address, and phone number of the designated employee(s). *Title IX: 34 CFR §106.8; Section 504: 34 CFR §104.7(a)*

**Indicators of Compliance**

* Recipient has assigned a person(s) to coordinate Section 504/ADA and Title IX activities. This person(s) must be aware of his/her duties and responsibilities and have the training necessary to carry them out.
* Recipient lists coordinators of Section 504/ADA and Title IX with their name/title (Title IX Coordinator), address, email, and phone number in all Division publications.

**Documentation**

* Catalogs
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Handbooks
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Job descriptions
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Website
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Marketing materials
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Grievance Procedure

**Nondiscrimination Requirement/Legal Cites**

1. A recipient shall adopt and publish grievance procedures 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 its 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(s) is readily available to students and employees and it ensures a prompt and equitable response.

**Documentation:**

Describe method(s) used:

* Grievance procedures
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Student handbooks (in age appropriate language)
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Employee handbooks
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Catalogs
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Posted notices
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Discussion/presentations
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

## EMPLOYMENT

**Employment Issues**

Recipients are prohibited from engaging in any employment practice which 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, under or over representation of protected groups, salary establishment and administration, reasonable accommodation, and overcoming the effects of past discrimination.

### Employment Practices

**Nondiscrimination Requirement/Legal Cites**

1. 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. *Section 504: 34 CFR §104.11; Guidelines VIII-A*
2. 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, and 106.60; Section 504: 34 CFR §§104.13 and 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, marital, or parental status.

**Documentation:** Employment documents including:

* Hiring policies and procedures
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Advancement policies and procedures
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Nondiscrimination statements
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Employee handbooks
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Application materials and forms
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Screening committee policies and procedures
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Rating systems
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Job announcements
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Recruitment policies
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Documentation (continued):**

Employment documents including:

* Policies and procedures regarding interviewing practices.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Notification

**Nondiscrimination Requirement/Legal Cites**

1. 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 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:**

* Employment policies
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Employment Handbook
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Application form for employment
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Vacancy announcements and advertisements
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Recruitment letters or contacts
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Personnel Web site and other related recruitment documents
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Published nondiscrimination statement in newspapers, student handbooks, other college materials
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Salary Scales

**Nondiscrimination Requirement/Legal Cites**

1. Requires the recipient to 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; Guidelines VIII-D*
2. Non-faculty salary administration is based upon the conditions of employment without regard to race, color, national origin, sex, or disability. *Title IX: 34 CFR §106.54; Section 504: 34 CFR §104.11(a)(b)*

**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.
* A non-faculty classification /compensation system is in place which evaluates jobs and places them in appropriate salary ranges according to working conditions and levels of employment responsibility.

**Documentation:**

* Faculty salary schedules and related policies
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Faculty assignment information by race/ethnic group, sex, and staff with a disability
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Non-faculty salary schedules and related policies
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Non-faculty assignment information by race/ethnic group, sex, and staff with a disability
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Applicants with a Disability

**Nondiscrimination Requirement/Legal Cites**

1. Requires recipients to provide equal employment opportunities for teaching and administrative positions to applicants with a disability who can perform the essential functions of the positions; and make reasonable accommodations for the physical or mental limitations of (otherwise qualified) applicants with a disability 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 persons with disabilities.
* Persons with disabilities are employed in teaching and administrative positions and are not treated differently in promotion and tenure decisions.

**Documentation:**

* Number of staff with disabilities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Copies/description of policies, procedures and criteria considered for hiring, promotion, retention, and tenure including professional and nonprofessional applications.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Past Discrimination

**Nondiscrimination Requirement/Legal Cites**

1. Requires recipients to take steps to overcome the effects of past discrimination. Such steps may include the recruitment or reassignment of qualified persons of a particular race, national origin, sex, or who have a disability. *Guidelines VIII-F*

**Indicators of Compliance**

* Recruitment efforts are not limited to school divisions, communities, or companies that are unequally composed of persons of a particular race, national origin, sex, or those who have a disability.
* Local agency or postsecondary institution has:
* An affirmative action/equal employment opportunity plan adopted by the board.
* Taken steps to implement the affirmative action plan.
* Made substantial progress in taking steps to overcome the effects of past discrimination.

**Documentation:**

* Status report or description of recruitment activities including sources and contacts.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Description of any affirmative action taken or planned (if any) to overcome the effects of past discrimination.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

## COUNSELING AND PRE-CTE PROGRAMS

**Counseling Issues**

Counseling for CTE programs may not include directing or urging any 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.

### Services and Materials

**Nondiscrimination Requirement/Legal Cites**

1. Services and materials related to counseling and recruitment must be free of discrimination and stereotyping in language, content, and illustration. 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. *Title IX: 34 CFR §§106.21(a)(b), 106.36(a), and 106.34;* *Section 504: 34 CFR §§104.4(a), 104.34(a)(c),and 104.47 (b)*; *Guidelines V-A*

**Indicators of Compliance**

* The written guidance plan, policy, and procedures ensure nondiscrimination, including a written statement that lack of English language skills is not a barrier to participation in any course.
* The written assessment plan ensures nondiscrimination

**Documentation:**

Employment documents including:

* Guidance plan, policy, and procedures
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Assessment plan with a list of tests administered
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Procedures for evaluation and placement of students with disabilities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* IEP/504 policies and procedures
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Promotional and recruitment materials
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Enrollment demographics
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Recruitment, admission policies
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Calendar of pre-career and technical counseling activities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Program Enrollment

**Nondiscrimination Requirement/Legal Cites**

Counselors must not direct students into programs based on their race, color, national origin, sex, or disability. Recipients must ensure that counselors do not direct or urge 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. *Title IX: 34 CFR §106.34; Section 504: 34 CFR §104.47(b); Guidelines V-B*

**Indicators of Compliance**

* Enrollments based on gender, race, national origin, and disability are proportionate to the general student population.
* Where enrollments are not proportionate, the school division can furnish a legitimate, nondiscriminatory rationale.

**Documentation:**

* Admission criteria
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Enrollment forms
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Enrollment demographics by class program
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Interest and ability tools
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Students with Disabilities

**Nondiscrimination Requirement/Legal Cites**

1. Recipients may not counsel students with a disability toward more restrictive career objectives than students without a disability with similar abilities and interests. *Section 504: 34 CFR §104.37(b);* *Guidelines V-B*

**Indicators of Compliance**

* Students with disabilities have equal access to all programs and classes based on abilities and interests.

**Documentation:**

* Pre-enrollment counseling activities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Enrollment data
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Unequal Enrollment

**Nondiscrimination Requirement/Legal Cites**

1. If unequal enrollments occur, efforts must be made to assure that counseling services and materials are not responsible. Recipients must take steps to ensure that any unequal enrollment does not result from unlawful discrimination in counseling activities. *Title IX: 34 CFR §106.36; Guidelines V-B*

**Indicators of Compliance**

* Recipient has process in place to identify unequal enrollment. When unequal enrollment occurs, recipient assesses counseling materials and activities and makes appropriate revisions or can furnish a legitimate, nondiscriminatory rationale.

**Documentation:**

* Pre-enrollment counseling activities, including completed interest and ability tools Enrollment data
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Revised counseling materials and/or activities in response to unequal enrollments or nondiscriminatory rationale for unequal enrollment
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Effective Communication

**Nondiscrimination Requirement/Legal Cites**

1. Recipients must ensure that counselors can effectively communicate with students with limited English proficiency and with students with hearing impairments. *Guidelines V-D*

**Indicators of Compliance**

* The content of materials available to English speaking students and their parents is available to students and parents who speak languages other than English.
* Formats other than the printed word are available for students with disabilities.
* This requirement may be satisfied by having interpreters available.

**Documentation:**

* Plan for the provision of recruitment and pre-CTE counseling services for ESL individuals
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Plan for the provision of recruitment and pre-CTE counseling services for individuals with hearing impairments
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Samples of materials in other languages/formats
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Current list of available interpreters, languages covered
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

## RECRUITMENT

**Recruitment Issues**

Recruitment activities and materials should convey the message that all CTE programs are open to all students without regard to race, color, national origin, sex, or disability status. Information about CTE opportunities should be available to all potential students. Promotional materials should avoid stereotyping. Lack of English language skills must not be a barrier to admission and participation in CTE programs. Recruitment teams, to the extent possible, should represent persons of different races, national origins, sexes, and abilities.

### Activities

**Nondiscrimination Requirement/Legal Cites**

1. 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. *Title IX: 34 CFR §106.23(a)(b); Guidelines V-C*

**Indicators of Compliance**

* All potential students have access to information.
* Efforts are made to reach underrepresented groups.

**Documentation:**

* Recruitment plans
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* List of recruitment activities and sites
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Description of recruitment activities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Materials

**Nondiscrimination Requirement/Legal Cites**

1. Recruitment materials’ description of career and occupational opportunities should not be limited on the basis of race, color, national origin, sex, or disability. *Guidelines V-C*

**Indicators of Compliance**

* Descriptions of career opportunities are bias-free and free from stereotyping

**Documentation:**

* Recruitment brochures and marketing materials
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Course catalog
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Recruiting Teams

**Nondiscrimination Requirement/Legal Cites**

1. To the extent possible, recruiting teams should represent persons of differing races, national origins, sexes, and abilities. *Guidelines V-C*

**Indicators of Compliance**

* Where possible, persons of differing races, genders, and abilities are used for recruiting purposes.

**Documentation:**

* Staff demographics by program
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Recruitment team demographics
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Promotional Efforts

**Nondiscrimination Requirement/Legal Cites**

1. Recipients may not undertake promotional efforts in a manner that creates or perpetuates stereotypes or limitations based on race, color, national origin, sex, or disability. *Guidelines V-E*
2. Materials that are part of promotional efforts may not create or perpetuate stereotypes through text or illustration. *Guidelines V-E*

**Indicators of Compliance**

* Materials and or media presentations show persons of differing races, male and female, persons with disabilities, and of different national origins.

**Documentation:**

* Promotional materials, including brochures, flyers, newspaper advertising, catalogs
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Examples of promotional efforts, such as career days, parents nights, laboratory demonstrations, visitations by groups of prospective students, and presentations by representatives from business and industry
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### English Learners

**Nondiscrimination Requirement/Legal Cites**

1. If a recipient’s service area contains a community with national minority persons with limited English language skills, promotional material must be distributed to that community in its language. *Guidelines V-E*

**Indicators of Compliance**

* Process is in place to identify and communicate with language minority communities. In communities where multiple dialects are spoken, efforts are made to communicate in the most commonly understood language.

**Documentation:**

* Verification of limited English proficient community
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Samples of materials in other languages
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

## ACCESS AND ADMISSIONS

**Admission Issues**

Admission policies, procedures, and criteria may not exclude students from CTE programs on the basis of race, color, national origin, sex, or disability. Where admissions criteria exclude an unequal number of persons of a particular race, color, national origin, sex, or persons with disabilities, the criteria should be validated as essential to success in the program. Preadmission inquiries about marital, parental or disability status must be avoided.

### De facto Discrimination

**Nondiscrimination Requirement/Legal Cites**

1. Educational institutions may not judge candidates for admission to CTE programs on the basis of criteria that have the effect of unequally excluding persons of a particular race, color, national origin, sex, or disability. If such unequal exclusion occurs, the criteria or standards must be validated as essential to participation. *Guidelines IV-K*

**Indicators of Compliance**

* Demographics of CTE enrollments are proportionate to demographics of eligible pool. Demographics of specific CTE programs are proportionate to demographics of entire CTE enrollment. If disproportionality exists, the school division must provide a legitimate nondiscriminatory rationale.
* Admissions procedure, policy, and/or practice for CTE program enrollment avoid criteria that unequally exclude persons of a particular race, color, national origin, sex, or disability status. If disproportionality exists, the school division must provide a legitimate nondiscriminatory rationale.

**Documentation:**

* Admission policies and process for CTE programs
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Procedures and criteria for selective admissions for CTE programs (where there are more applicants than can be accommodated)
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* List of non-selected students by demographics and by each selection criterion
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Demographics of selected applicants by selection criteria
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Preadmission Inquiries

**Nondiscrimination Requirement/Legal Cites**

1. Preadmission inquiries must avoid reference to marital, parental, or disability status*. Title IX: 34 CFR §106.21(c);* *Section 504: 34 CFR §104.42(b)(4); Title II: 28 CFR 35*

**Indicators of Compliance**

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

**Documentation:**

* Admissions application for secondary and/or adult CTE program
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Assurances

**Nondiscrimination Requirement/Legal Cites**

1. Assurances have been made that numerical limitations or separate rankings on the basis of race, color, national origin (including migrant education status), sex, or disability do not exist in admitting students to CTE programs. *Title VI: 34 CFR §100.3; Title IX: 34 CFR §106.21(b); Section 504: 34 CFR §104.42(B)(1); Guidelines IV-F*

**Indicators of Compliance**

* Policies and procedures do not use a numerical system of admissions if such systems result in enrollment disproportional to the service area on the basis of race, color, sex, national origin, or disability.

**Documentation:**

* Admissions criteria
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Demographics for service area
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Demographics for program area
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Assurances

**Nondiscrimination Requirement/Legal Cites**

1. Assurances have been made that numerical limitations or separate rankings on the basis of race, color, national origin (including migrant education status), sex, or disability do not exist in admitting students to CTE programs. *Title VI: 34 CFR §100.3; Title IX: 34 CFR §106.21(b); Section 504: 34 CFR §104.42(B)(1); Guidelines IV-F*

**Indicators of Compliance**

* Policies and procedures do not use a numerical system of admissions if such systems result in enrollment disproportional to the service area on the basis of race, color, sex, national origin, or disability.

**Documentation:**

* Admissions criteria
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Demographics for service area
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Demographics for program area
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Supplementary Aids and Services

**Nondiscrimination Requirement/Legal Cites**

1. Supplementary aids, modified instructional material, and special services are provided to students with disabilities to enable them to participate equally in CTE programs. *Section 504: 34 CFR §l04.44(d)(2)*; *Guidelines IV-N*

**Indicators of Compliance**

* Document all supplementary aids and services available to students with a disability who need special accommodations or assistance in order to succeed in a CTE program. *Please note*: This list should also identify the providers of such services.
* Agency provides appropriate aides, modifications, and services for students with disabilities and does not have policies that limit participation of students with disabilities

**Documentation:**

* Example of equipment adapted/modified
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Description of policy for providing aids, modification, and services
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Description of aids, modification, and services available/provided
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Policies governing the use of guide dogs, tape recorders, note takers, etc.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### English Learners

**Nondiscrimination Requirement/Legal Cites**

1. A recipient may not restrict admission to CTE programs because the applicant, as a member of a national origin minority group with limited English language skills, cannot participate in and benefit from CTE to the same extent as students whose primary language is English.
2. An elementary and secondary recipient must take steps to open all CTE programs to national origin minority students with limited English proficiency. *Guidelines IV-L*

**Indicators of Compliance**

* Recipient has a procedure in place to identify and assess applicants with limited English proficiency.
* LEP enrollment in CTE is proportional to LEP enrollment in the service area
* LEP enrollment in specific CTE programs is proportional to LEP enrollment in CTE overall.

**Documentation:**

* Procedure for LEP identification and placement.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Summary of steps taken to increase LEP participation in programs where they traditionally have been underrepresented.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Specific program enrollment demographics by LEP status.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

## SERVICES FOR STUDENTS WITH DISABILITIES

**Services for Students with Disabilities Issues**

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 schools, 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 non-disabled peers as much as possible.

Recipient must locate students with disabilities who may be in need of support and services, determine eligibility, provide appropriate accommodations to include auxiliary aids, not discriminate on the basis of disability in classes, programs, extracurricular activities to include division sponsored activities.

### Exclusion/Denial of Services

**Nondiscrimination Requirement/Legal Cites**

1. 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 recipient implements policies and procedures ensuring access for students with disabilities to programs, services, and activities

**Documentation:**

* Board policy
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Student handbooks
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Procedures for selection into clubs, activities, and programs
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Criteria for admission into courses, programs, services, and activities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Location of clubs and their activities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Any other methods that result in making its program or activity accessible to persons with disabilities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Assignment of aides
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Barriers to Services

**Nondiscrimination Requirement/Legal Cites**

1. Students with disabilities must not be excluded from CTE or academic programs, courses, services, or activities due to equipment barriers or because necessary related aids and services or auxiliary aids are not available.
2. The institution does not impose additional rules on students with a disability which have the effect of limiting participation. *Section 504: 34 CFR §104.33; Section 504: 34 CFR §104.44(b)(d); Title II: 28 CFR 35 §§35.130(b)(8),and 35.160(b)(1); Guidelines IV-N*

**Indicators of Compliance**

* The agency provides appropriate aids and services for students with disabilities and does not have policies that limit participation of students with disabilities.

**Documentation:**

* Example(s) of equipment adapted
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Policy for addressing equipment barriers
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Policy for providing aids, accommodations, and services
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Description of aids, accommodations, and services available/provided
	+ Yes [ ]
	+ No [ ]
* Not Sure [ ] List of materials/resources available for seeing or hearing impaired
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Policies governing use of guide dogs, tape recorders, note takers, etc.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Access to Programs/Courses

**Nondiscrimination Requirement/Legal Cites**

1. Access to CTE and academic programs or courses is not denied to students with a disability on the basis that employment opportunities in any occupation or profession may be more limited for persons with a disability than for persons without a disability. *Section 504: 34 CFR §104.10; Section 504: 34 CFR §104.43(c); Guidelines IV-N*

**Indicators of Compliance**

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

**Documentation:**

* Career and college counseling materials
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Program of studies
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Number of students with a disability in various courses and programs
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Number of students with disabilities by program
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Placement/follow-up data
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Academic Requirements

**Nondiscrimination Requirement/Legal Cites**

1. Academic requirements have been adjusted to meet the needs of individual students with a disability*. Section 504: 34 CFR §104.44(a); Title II: 28 CFR 35 §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:**

* Number of students with a disability in various courses and programs.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Programs in which essential requirements licensing requirements have prevented access.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Admission and Testing

**Nondiscrimination Requirement/Legal Cites**

1. Admission and testing policies or other procedures for evaluating students' academic achievements are administered in such a way that the aptitudes or achievement levels or other relevant factors of students with disabilities are measured and not the disability. *Section 504: 34 CFR §104.44(c); Guidelines IV-N; Title II: 28 CFR 35 §35.130(b)(8)*

**Indicators of Compliance**

* The recipient accommodates needs of students with disabilities during testing.

**Documentation:**

Accommodations such as:

* Extended time
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Alternative formats
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Location of testing; facility accessibility; auditory/lighting adequacy
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Calculator or other auxiliary aids as needed
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Nonacademic

**Nondiscrimination Requirement/Legal Cites**

1. In providing or arranging for the provision of nonacademic and extracurricular services and activities, persons with disabilities participate with persons without disabilities in such activities and services to the maximum extent appropriate to their needs. *Section 504: 34 CFR §104.34(b); Section 504: 34 CFR §104.43(d); Guidelines VI-A*

**Indicators of Compliance**

* Students with disabilities participate with students without disabilities in nonacademic services and activities to the maximum extent appropriate to their needs.

**Documentation:**

* Description of procedures.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Participation data on students with disabilities.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Access to Information

**Nondiscrimination Requirement/Legal Cites**

1. Persons with disabilities are provided access to information regarding admission to programs, courses and activities. *Guidelines IV-N*; *Title II: 28 CFR 35 §35.160(a)*

**Indicators of Compliance**

* Information regarding admission to programs, courses, and activities is provided in alternate formats for students with disabilities.

**Documentation:**

* List of programs and activities (internships, OJT programs, child care)
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Criteria for participation
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Catalog, student handbook, and brochure descriptions of programs and activities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Any materials available in an alternate format
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Equivalent Programs

**Nondiscrimination Requirement/Legal Cites**

1. Any activity or program, not operated by the institution but considered a part of, or equivalent to an institution's program, is operated in a manner which provides equal opportunities to qualified persons with a disability. *Section 504: 34 CFR §104.4(b); Guidelines IV-N; Title II: 28 CFR 35 §35.130(b)(1)*

**Indicators of Compliance**

* Agency programs such as charter school divisions and OJT operated by outside agencies provide equal opportunities to students and staff with disabilities.

**Documentation:**

* List of equivalent programs and activities (internships, OJT programs, child care, and special programs in cooperation with business or industry, pre-K programs, after-school division programs).
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Criteria for participation
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Catalog, student handbook, and brochure descriptions of programs and activities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Identified Programs

**Nondiscrimination Requirement/Legal Cites**

1. Facilities, services, or activities identifiable as being for persons with a disability, are comparable to those offered to students without a disability. *Section 504: 34 CFR §104.34(c)*; *Guidelines VI-A*

**Indicators of Compliance**

* Facilities, services, and activities serving primarily students with disabilities are comparable to those for students without a disability.

**Documentation:**

* Course catalogs, descriptions
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Locations & descriptions of separate facilities, services, activities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Public Programs

**Nondiscrimination Requirement/Legal Cites**

* 1. Programs open to parents or public (including graduation ceremonies, athletic events, plays, and lectures) are accessible. *Title II: 28 CFR §35.102;* *Guidelines IV-N*

**Indicators of Compliance**

* Public events are held in accessible facilities.

**Documentation:**

* Locations & descriptions of events
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Building meet ANSI, UFAS OR ADAAG standards
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Elementary and Secondary 504 Services – Section 1

**Nondiscrimination Requirement/Legal Cites**

1. A recipient that operates an elementary or secondary program or activity must provide a free, appropriate public education (FAPE) to each qualified person with a disability in its jurisdiction. The recipient must have a system in place for the identification, evaluation, and educational placement of these persons with disabilities. Placement decisions must be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation, data, and the placement options. The recipient must provide procedural safeguards through which parents or guardians may obtain an impartial review of the evaluation and placement actions. *Section 504: 34 CFR §104.33, 35, and 36*

**Indicators of Compliance**

* Policies and procedures are provided ensuring FAPE.
* Placement decisions are fully documented and timely re-evaluations are conducted.
* Persons who are knowledgeable about placement options in CTE programs participate in CTE placement decisions.

**Documentation:**

* FAPE policies and procedures
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* A description or list of the materials and persons relied upon in the evaluation and placement process
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Description of the system of procedural safeguards
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* List of persons with knowledge of CTE programs who participate in FAPE placement decisions with CTE programs
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Section 504 plans, placement records, IEPs, and similar records of students with disabilities placed in CTE programs
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Elementary and Secondary 504 Services – Section 2

**Nondiscrimination Requirement/Legal Cites**

1. Secondary students with disabilities must be placed in the regular educational environment of any CTE, academic, physical education, athletic, or other school division program or activity to the maximum extent appropriate to their needs with the use of supplementary aids and services. *Section 504: 34 CFR §104.34(a)(b); Title II: 28 CFR §35.130(d); Guidelines VI-A*

**Indicators of Compliance**

* Students with disabilities enroll in regular academic courses to the maximum extent appropriate to their needs.

**Documentation:**

* Number of students with a disability in various courses and programs
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Selection/admission criteria and procedures
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Section 504 plans, placement and similar records
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Elementary and Secondary 504 Services – Section 3

**Nondiscrimination Requirement/Legal Cites**

1. Secondary students with disabilities are placed in a CTE program only when the 504 FAPE requirements for evaluation, placement, and procedural safeguards have been satisfied. *Section 504: 34 CFR §104.35(a); Guidelines VI-A*

**Indicators of Compliance**

* Section 504 plan, placement record, or IEP reflects the group’s or team’s determination that the CTE program is appropriate setting for the individual student.

**Documentation:**

* Sample placement records for students with disabilities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Evaluation procedures
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Placement criteria and procedures
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Procedural safeguards
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Elementary and Secondary 504 Services – Section 4

**Nondiscrimination Requirement/Legal Cites**

1. Admissions and testing policies, course examinations, or other procedures for evaluating students' academic achievements are administered in such a way that aptitudes or achievement levels or other relevant factors of students with disabilities 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 recipient accommodates needs of students with disabilities during testing.

**Documentation:**

Accommodations such as:

* Extended time
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Alternate formats
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Location of testing; facility accessibility; auditory/lighting adequacy
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Calculator or other auxiliary aids as needed
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

## ACCESSIBILITY

**504/ADA Accessibility Issues**

Recipient may not exclude students or community members with disabilities from enjoying the benefits of its program or service because its facilities are inaccessible to or unusable by persons with disabilities. Architectural barriers do not prevent students or otherwise qualified persons with disabilities to include parents and/or other community members with disabilities from having access to vocational, career or academic programs, courses, services, or activities. *Section 504: 34 CFR §104.21; Title II: 28 CFR §35.150(a); Title II: 28 CFR §35.151(a)(b); Guidelines IV-N*

Interviews with the following persons may clarify compliance with this standard: Principal, School division counselors, Department Chairs, ADA and 504 Coordinators, Coordinator for Special Education Services, Facilities Director. In addition to interviews, a visual inspection of facilities should be conducted. Blueprints. Construction contracts. Work orders.

Applicable accessibility standards are determined by the date the facility was constructed or last renovated by the institution.

1. Existing facilities/Section 504 (34 CFR, 104.22) - construction or alteration initiated before 6/4/77 – "readily accessible"
2. New construction/Section 504 (34 CFR 104.23) - construction or alteration initiated between 6/4/77 and 1/17/91 – ANSI A117.1-1961 (R1971)
3. New construction/Section 504 (34 CFR 104.23 – construction or alteration initiated on or after 1/18/91 – UFAS
4. New construction/ ADA (28 CFR 35.151) - construction or alteration initiated on or after 1/27/92 – ADA (1991) or UFAS
5. New construction/ADA - 28 CFR 35.151 (R 2008) - construction or alteration initiated on or after 3/15/2012 – ADA (2010)

In the table below, list all building(s) associated with the secondary school division including the date(s) of construction, last renovation and any CTE program(s) offered therein.

| **Building** | **Date of construction and alteration(s)** | **CTE programs** |
| --- | --- | --- |
|       |       |       |
|       |       |       |
|       |       |       |
|       |       |       |
|       |       |       |

### Existing facility under 504 – Built or altered beginning June 3, 1977, or earlier:

**Nondiscrimination Requirement/Legal Cites**

1. A recipient shall operate its program or activity so that when each part is viewed 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. *Section 504: 34 CFR §104.22*

**Indicators of Compliance**

* redesign of equipment
* reassignment of classes or other services to accessible buildings
* assignment of aides to beneficiaries
* home visits
* alteration of existing facilities and construction of new facilities in conformance with the requirements for new construction or
* any other methods that result in making its program or activity accessible to persons with disabilities

**Documentation:**

* Observations and measurements
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Renovation schedules
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Maintenance Records
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Work orders or contracts indicating construction start dates
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### New construction under 504 – Built or altered between June 4, 1977, and January 17, 1991, inclusive:

**Nondiscrimination Requirement/Legal Cites**

1. Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient is designed and constructed in such a manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with 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 A117.1-1961 (R1971). Later versions of ANSI A117.1 do not apply. *Section 504: 34 CFR §104.23* (prior to January 18, 1991 amendment)

**Indicators of Compliance**

* ANSI Standards have been met

**Documentation:**

* Blueprints and plans
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Renovation schedules
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Maintenance Records
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Work orders or contracts indicating construction start dates
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Verification of ANSI Standards being met as follows:

4.1 Grading — Yes [ ]  No [ ]  Not Sure [ ]

4.2 Walks — Yes [ ]  No [ ]  Not Sure [ ]

4.3 Parking Lots — Yes [ ]  No [ ]  Not Sure [ ]

5.1 Ramps and gradients — Yes [ ]  No [ ]  Not Sure [ ]

5.2 Entrances — Yes [ ]  No [ ]  Not Sure [ ]

5.3 Doors and doorways — Yes [ ]  No [ ]  Not Sure [ ]

5.4 Stairs — Yes [ ]  No [ ]  Not Sure [ ]

5.5 Floors — Yes [ ]  No [ ]  Not Sure [ ]

5.6 Toilet rooms — Yes [ ]  No [ ]  Not Sure [ ]

5.7 Water fountains — Yes [ ]  No [ ]  Not Sure [ ]

5.8 Public phones — Yes [ ]  No [ ]  Not Sure [ ]

5.9 Elevators — Yes [ ]  No [ ]  Not Sure [ ]

5.10 Controls — Yes [ ]  No [ ]  Not Sure [ ]

5.11 Identification — Yes [ ]  No [ ]  Not Sure [ ]

5.12 Warning signals — Yes [ ]  No [ ]  Not Sure [ ]

5.13 Hazards — Yes [ ]  No [ ]  Not Sure [ ]

**Comments:**

### New construction under 504 – Built or altered between January 18, 1991, and January 26, 1992, inclusive;

**New construction under ADA Title II and 504 – Built after January 26, 1992; exercising the option to follow UFAS:**

**Nondiscrimination Requirement/Legal Cites**

1. Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by person with disabilities. Conformance with Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR subpart 101‑19.6) or public entity is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR subpart 101‑19.6).
2. Departures from particular technical and scoping requirements permitted where substantially equivalent or greater access to and usability of the building is provided. *Section 504: 34 CFR §104.23*; *Title II: 28 CFR §35.151*

**Indicators of Compliance**

* UFAS Standards have been met

**Documentation:**

* Work orders or contracts indicating verification of UFAS standards being met as follows:

4.1 Minimum requirements — Yes [ ]  No [ ]  Not Sure [ ]

4.2 Space allowance and reach ranges — Yes [ ]  No [ ]  Not Sure [ ]

4.3 Accessible route — Yes [ ]  No [ ]  Not Sure [ ]

4.4 Protruding objects — Yes [ ]  No [ ]  Not Sure [ ]

4.5 Ground and floor surfaces — Yes [ ]  No [ ]  Not Sure [ ]

4.6 Parking and passenger loading zones — Yes [ ]  No [ ]  Not Sure [ ]

4.7 Curb ramps — Yes [ ]  No [ ]  Not Sure [ ]

4.8 Ramps — Yes [ ]  No [ ]  Not Sure [ ]

4.9 Stairs — Yes [ ]  No [ ]  Not Sure [ ]

4.10 Elevators — Yes [ ]  No [ ]  Not Sure [ ]

4.11 Platform lifts — Yes [ ]  No [ ]  Not Sure [ ]

4.12 Windows — Yes [ ]  No [ ]  Not Sure [ ]

4.13 Doors — Yes [ ]  No [ ]  Not Sure [ ]

4.14 Entrances — Yes [ ]  No [ ]  Not Sure [ ]

4.15 Drinking fountains and water coolers — Yes [ ]  No [ ]  Not Sure [ ]

4.16 Water closets — Yes [ ]  No [ ]  Not Sure [ ]

4.17 Toilet stalls — Yes [ ]  No [ ]  Not Sure [ ]

4.18 Urinals — Yes [ ]  No [ ]  Not Sure [ ]

4.19 Lavatories and mirrors — Yes [ ]  No [ ]  Not Sure [ ]

4.20 Bathtubs — Yes [ ]  No [ ]  Not Sure [ ]

4.21 Shower stalls — Yes [ ]  No [ ]  Not Sure [ ]

4.22 Toilet rooms — Yes [ ]  No [ ]  Not Sure [ ]

4.23 Bathrooms, bathing facilities, and shower rooms — Yes [ ]  No [ ]  Not Sure [ ]

4.24 Sinks — Yes [ ]  No [ ]  Not Sure [ ]

**Documentation (continued):**

Work orders or contracts indicating verification of UFAS standards being met (continued):

4.25 Storage — Yes [ ]  No [ ]  Not Sure [ ]

4.26 Handrails, grab bars, tub and shower seats — Yes [ ]  No [ ]  Not Sure [ ]

4.27 Controls and operating mechanisms — Yes [ ]  No [ ]  Not Sure [ ]

4.28 Alarms — Yes [ ]  No [ ]  Not Sure [ ]

4.29 Tactile warnings — Yes [ ]  No [ ]  Not Sure [ ]

4.30 Signage — Yes [ ]  No [ ]  Not Sure [ ]

**Comments:**

### New construction under ADA Title II and 504 – Built or after January 26, 1992; exercising the option to follow ADAAG:

**Nondiscrimination Requirement/Legal Cites**

1. Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with Conformance with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to 34 CFR Part 36).
2. Departures from particular requirements permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided. *Section 504: 34 CFR §104.23; Title II: 28 CFR §35.151*

**Indicators of Compliance**

* ANSI Standards have been met

**Documentation:**

* Blueprints and plans
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Renovation schedules
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Maintenance Records
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Work orders or contracts indicating construction start dates
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Work orders or contracts indicating verification of ADA standards being met as follows:

4.1 Minimum requirements — Yes [ ]  No [ ]  Not Sure [ ]

4.2 Space allowance and reach ranges — Yes [ ]  No [ ]  Not Sure [ ]

4.3 Accessible route — Yes [ ]  No [ ]  Not Sure [ ]

4.4 Protruding objects — Yes [ ]  No [ ]  Not Sure [ ]

4.5 Ground and floor surfaces — Yes [ ]  No [ ]  Not Sure [ ]

4.6 Parking and passenger loading zones — Yes [ ]  No [ ]  Not Sure [ ]

4.7 Curb ramps — Yes [ ]  No [ ]  Not Sure [ ]

4.8 Ramps — Yes [ ]  No [ ]  Not Sure [ ]

4.9 Stairs — Yes [ ]  No [ ]  Not Sure [ ]

4.10 Elevators — Yes [ ]  No [ ]  Not Sure [ ]

4.11 Platform lifts (wheelchair lifts) — Yes [ ]  No [ ]  Not Sure [ ]

4.12 Windows — Yes [ ]  No [ ]  Not Sure [ ]

4.13 Doors — Yes [ ]  No [ ]  Not Sure [ ]

4.14 Entrances — Yes [ ]  No [ ]  Not Sure [ ]

4.15 Drinking fountains and water coolers — Yes [ ]  No [ ]  Not Sure [ ]

4.16 Water closets — Yes [ ]  No [ ]  Not Sure [ ]

4.17 Toilet stalls — Yes [ ]  No [ ]  Not Sure [ ]

4.18 Urinals — Yes [ ]  No [ ]  Not Sure [ ]

4.19 Lavatories and mirrors — Yes [ ]  No [ ]  Not Sure [ ]

4.20 Bathtubs — Yes [ ]  No [ ]  Not Sure [ ]

**Documentation (continued):**

Work orders or contracts indicating verification of ADA standards being met (continued):

4.21 Shower stalls — Yes [ ]  No [ ]  Not Sure [ ]

4.22 Toilet rooms — Yes [ ]  No [ ]  Not Sure [ ]

4.23 Bathrooms, bathing facilities, and shower rooms — Yes [ ]  No [ ]  Not Sure [ ]

4.24 Sinks — Yes [ ]  No [ ]  Not Sure [ ]

4.25 Storage — Yes [ ]  No [ ]  Not Sure [ ]

4.26 Handrails, grab bars, tub and shower seats — Yes [ ]  No [ ]  Not Sure [ ]

4.27 Controls and operating mechanisms — Yes [ ]  No [ ]  Not Sure [ ]

4.28 Alarms — Yes [ ]  No [ ]  Not Sure [ ]

4.29 Tactile warnings — Yes [ ]  No [ ]  Not Sure [ ]

4.30 Signage — Yes [ ]  No [ ]  Not Sure [ ]

4.31 Phones — Yes [ ]  No [ ]  Not Sure [ ]

4.32 Fixed or built-in seating or tables — Yes [ ]  No [ ]  Not Sure [ ]

4.33 Assembly areas — Yes [ ]  No [ ]  Not Sure [ ]

4.34 Automatic teller machines — Yes [ ]  No [ ]  Not Sure [ ]

4.35 Dressing and fitting rooms — Yes [ ]  No [ ]  Not Sure [ ]

4.30 Other requirements — Yes [ ]  No [ ]  Not Sure [ ]

**Comments:**

## COMPARABLE FACILITIES

**Comparable Facilities Issues**

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, or laboratories.

### Students with Disabilities

**Nondiscrimination Requirement/Legal Cites**

1. 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:**

* Comparison of programs and services offered to both students with disabilities and students without disabilities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Location and description of separate facilities, services, activities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Locker Rooms

**Nondiscrimination Requirement/Legal Cites**

1. Changing rooms, showers, and other facilities for students of one sex are comparable to those provided to students of the other sex.
2. 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)*

**Indicators of Compliance**

* Locker rooms have approximately the same space and amenities for both males and females.
	+ If there is disparity, the recipient provides a legitimate, nondiscriminatory rationale.
* Changing rooms, showers, bathrooms, and other facilities near the CTE areas are comparable for both men and women and conveniently accessible to persons with disabilities.

**Documentation:**

* Comparison of facilities offered to male and to female students
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Comparison of facilities offered to students with disabilities and students without disabilities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

## STUDENT FINANCIAL ASSISTANCE

**Financial Assistance Issues**

Financial assistance (in the form of loans, grants, scholarships, special funds, subsidies, compensation for work or prizes to students) should not be awarded on the basis of race, color, national origin, sex, or disability. However, sex restricted financial assistance that was established by will, trust, or bequest may be administered as long as the overall effect of all financial assistance does not discriminate on the basis of sex.

### Financial Assistance

**Nondiscrimination Requirement/Legal Cites**

1. Financial assistance is available to all students regardless of sex, race, color, national origin, or disability for all students. *504 34 CFR §104.46(a); Title VI:34 CFR §100.3(b); Title IX:34 CFR §106.37; Guidelines VI-B*

**Indicators of Compliance**

* Recipient data on financial aid demonstrates there is equitable distribution of financial aid regardless of sex, race, color, national origin, or disability.

**Documentation:**

* Recipient of financial aid data broken out by sex, race, color, national origin, or disability.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Awards/Scholarships

**Nondiscrimination Requirement/Legal Cites**

1. Sex specific 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, race, ethnicity, or disability. *Title VI:34 CFR §100.3(b); Title IX:34 CFR §106.37; Guidelines VI-B*

**Indicators of Compliance**

* Overall, the recipient financial assistance is equitable regardless of sex, race, ethnicity, or disability.

**Documentation:**

* List of all financial assistance given as a result of awards
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Total list of financial aid awarded
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Documentation is available as to the # and $ given as a result of will, trust, bequest, or other legal instrument
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Equitable Materials

**Nondiscrimination Requirement/Legal Cites**

1. 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:**

* Materials written for students and families concerning the financial assistance available.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### English Learners

**Nondiscrimination Requirement/Legal Cites**

1. English Language Learners and their parents receive information about financial assistance in their own language. *Guidelines VI-B*

**Indicators of Compliance**

* Community demographics indicate English Language Learners are a part of the population served.
* If a recipient’s service area contains a community of national origin minority persons with limited English language skills such information must be distributed to that community in its language.

**Documentation:**

* Written information about financial assistance is provided to national origin minority students and their parents in their home language.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Demographics of the area served.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

## WORK-BASED LEARNING

**Work-Based Learning Issues**

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 race, sex, national origin, or disability of the student. It is also illegal to cooperate with an employer that requests students on the basis of race, sex, 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 school division will not work with any business that does. 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.

### Opportunities

**Nondiscrimination Requirement/Legal Cites**

1. 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 school division or program.
* If there is a disparity, the institution provides a legitimate, nondiscriminatory rationale.

**Documentation:**

* Review of enrollment data in work study, cooperative education, and job placement programs.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Interviews with staff and students.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Assurances

**Nondiscrimination Requirement/Legal Cites**

1. 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 agency.
* The recipient does not honor any employer’s request for students who are free of disabilities or for students of a particular race, color, national origin, or sex.

**Documentation:**

* Review of workplace assignments, hours of work, and job assignments
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Interviews with staff and students.
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

## SITE LOCATION

**Site Location Issues**

Vocational Education Guidelines, Sections IV-A through IV-K, establish standards that site selection and criteria for student eligibility cannot have the purpose or effect of discriminating, segregating, or excluding students on the basis of race, color, national origin, sex, or disability.

Issues that could result in discrimination or segregation include the selection of sites for vocational education facilities, establishing geographic residence requirements, establishing numerical limits on students from sending school divisions, additions to existing vocational education facilities, and any other criteria that have the purpose or effect of unequally excluding students of a particular race, national origin, sex, or disability.

### Site Selection

**Nondiscrimination Requirement/Legal Cites**

1. Recipient may not select or approve a site that has the purpose or effect of excluding, segregating, or otherwise discriminating on the basis of race, color, or national origin. Recipients must locate vocational facilities at sites that are readily accessible to both minority and nonminority communities and that do not tend to identify the facility or program as intended for minority or nonminority students. *Guidelines IV-B*

**Indicators of Compliance**

* Career center sites are readily accessible to minority and non-minority communities and their location does not have a discriminatory effect.

**Documentation:**

* Maps showing location of career center facilities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Enrollment demographics for each facility
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Demographics of communities surrounding facility
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Site Modifications

**Nondiscrimination Requirement/Legal Cites**

1. A recipient may not add to, modify or renovate the physical plan of a vocational facility in a manner that creates, maintains or increases segregation on the basis of race, color, national origin, sex, or disability. *Guidelines IV-D*

**Indicators of Compliance**

* After modification, the vocational site is readily accessible to the minority and nonminority communities and the modification does not have a discriminatory effect.

**Documentation:**

* Maps showing location of the modified vocational facilities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Student demographics before and after facility modifications
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Demographics of communities surrounding facility
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**

### Residency

**Nondiscrimination Requirement/Legal Cites**

1. A recipient may not establish, approve or maintain geographic boundaries that unlawfully exclude students on the basis of race, color or national origin. *Guidelines IV-C*

**Indicators of Compliance**

* Attendance zones do not have the effect of excluding students on the basis of race, color, or national origin.

**Documentation:**

* Maps of attendance zones
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Demographics of contiguous service areas to the facility
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Curriculum offering at contiguous facilities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]
* Job placement rates at contiguous facilities
	+ Yes [ ]
	+ No [ ]
	+ Not Sure [ ]

**Comments:**