

Civil Rights and Perkins IV

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Why Civil Rights Compliance Reviews?

The Perkins IV guidelines require that each state to implement a compliance program to prevent, identify and remedy discrimination on the basis of race, color, national origin, sex, age and disability in vocational education programs operated by recipients of federal financial assistance.

What is the purpose of Civil Rights Compliance Reviews?

- To Eliminate any cases of Discrimination and/or Denial of Services and to ensure that NO students or potential students in public education are discriminated against.

Discrimination can be

Sooooo
Obvious
or

*Subtle and
even
accidental*

Mission of OCR



The mission of the OCR is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights.

Specific Civil Rights Laws

- **Title VI of Civil Rights Act of 1964**
 - **Race, color, or national origin**
- **Title IX of Ed. Amendments of 1972**
 - **Sex**
- **Section 504 of Rehabilitation Act of 1973**
 - **Disabilities**
- **Age Discrimination Act of 1975**
 - **Age**
- **Title II of the Americans with Disabilities Acts of 1990 (updated in 2010)**
 - **Disabilities**

WHY the Focus so Much in CTE and Not Other Areas?

1. Federal Laws say so . . .

- Does one want to risk losing CTE funding and/or have a full-scale OCR audit from USDOE?

2. Pragmatically, CTE is all about **CHOICES** and **ACCESS** -- unlike most other classes & programs.

Civil Rights LAWS apply for how long?

As long as schools and colleges receive any form of federal funding including Pell Grants.



AND

As long as schools and colleges offer CTE programs

Demystifying the Process

- ✓ Targeting Plan (Biennial) to USDOE
- ✓ Civil Rights Compliance Review (CRCR) visit
- ✓ Corrective Actions (VCP-Voluntary Compliance Plan)
- ✓ Monitoring
- ✓ SED Report to USDOE (Biennial) - Due July 1st

Targeting Plan

- Sub-recipient Universe
- Selection Criteria
- Enrollment Demographics Data
- Faculty Demographics data and compensation
- CTE programs recently added to the curriculum
- Last Date of On-site Reviews
- Other Ranking Factors: incomplete data, repeated and substantiated complaints against the subrecipient and new construction/renovation projects)
- In the case of a tie the subrecipient with a larger CTE student population will be selected

Civil Rights Compliance Review (CRCR)

- An SED evaluator will conduct a pre-review visit at the institution during the winter
- CRCR review during in the Spring semester
- SED staff will be reviewing facilities for accessibility, college's documentation and will be interviewing staff and students on campus
- Assessment of entrances and exits, teaching and learning facilities, laboratory and institutional equipment, and wheelchair and mobility impairment access as well as access to education for students with other disabilities

Voluntary Compliance Plan and Monitoring

- An SED Letter of Findings (LOF) describing any findings should be completed in approximately 30 days.
- The institution would then be required to submit a Voluntary Compliance Plan (VCP) to the SED, describing their plan to address the issues found.
- The Voluntary Compliance Plan is due from the institution to SED within 60 days of the date of the LOF.
- Once a VCP has been received and approved, SED staff will continue to monitor the institution's completion of the solutions provided in the VCP.

Background of OCR

- USDOE: <http://www2.ed.gov/policy/rights/reg/ocr/index.html>
- NYSED:
<http://www.highered.nysed.gov/kiap/collddev/VTEA/CarlD.PerkinsCareerandTechnicalEducationCivilRightsCompliance.htm>
- Overview of a CRCR: <http://www.sbctc.ctc.edu/college/f-civilrightscompliancereviews.aspx>
- “Case Resolution and Investigation Manual.” USDOE OCR: <http://www.ed.gov/about/offices/list/ocr/docs/ocrcrm.html>
- “Developing Effective Grievance Procedures.” USDOE OCR: <http://www.ed.gov/about/offices/list/ocr/grievance.html?exp=0>
- “Notice of Non-Discrimination” USDOE OCR: <http://www.ed.gov/about/offices/list/ocr/docs/nondisc.html>

Accessibility Resources

- “Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities” (ADAAG):
<http://www.access-board.gov/adaag/html/adaag.htm>
- Uniform Federal Accessibility Standards (UFAS):
<http://www.access-board.gov/ufas/ufas-html/ufas.htm>
- “Guide to the New ADA-ABA Accessibility Guidelines”:
<http://www.access-board.gov/adaaba/summary.htm>
- ADA Settlement Agreements. USDOJ Civil Rights Division, Freedom of Information Act Branch.
<http://www.ada.gov/settlemt.htm>
- “Americans with Disabilities Act Questions and Answers” booklet:
www.adata.org

E-Accessibility Resources

- W3C/Web Accessibility Initiative (WAI):
<http://www.w3.org/WAI/>
- Testing for Web Accessibility Compliance Under Section 508 of the Rehabilitation Act of 1973:
<http://www.ed.gov/policy/gen/guid/assisttesting.html>
- Section 508 of the Rehabilitation Act, §1194.22 Checklist (WEBAIM):
<http://www.webaim.org/standards/508/checklist>
- Free Testing Tool (The Wave):
<http://www.wave.webaim.org/>
- Department of Education's Assistive Technology Program:
<http://www.ed.gov/policy/gen/guid/assistivetech.html>

In summary . . .

- We have an obligation to ensure that ALL students have unfettered opportunities to access and to make progress in college. This would include access to programs and buildings.
- Anything less is probably some form of discrimination which is unlawful.