

Civil Rights Compliance and Perkins IV

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Why Civil Rights Compliance Reviews?

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

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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

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Demystifying the Process

- ✓ Selection Criteria (Targeting Plan to USDOE)
- ✓ Civil Rights Compliance Review (CRCR) process
- ✓ Corrective Actions (VCP-Voluntary Compliance Plan)
- ✓ Monitoring
- ✓ SED Report to USDOE (Biennial) - Due July 1st 2016

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Selection Criteria

- Student Enrollment/Demographics Data and Faculty Demographics data and compensation
- CTE programs recently added to the curriculum
- Last Date when the Institution was reviewed
- Starting with 2014-15 Perkins Core Indicator 2P1:
 - *Minority students that receive a credential, certificate or degree when compared to the Target*
 - *Special population students that receive a credential, certificate or degree when compared to the Target*
- Other : incomplete data, repeated & substantiated complaints and new construction/renovation)
- **If a tie -> the school with a larger CTE student population will be selected**

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Civil Rights Compliance Review Process

- Pre-review visit at the institution - Fall/Winter
- CRCR review during the Spring semester
- A Letter of Findings (LOF) describing issues identified during the review should be completed and sent to the institution by SED within **30-60** days.
- The institution will submit a Voluntary Compliance Plan (VCP) to SED, describing the solutions proposed to address the findings within **45** 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.

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The most frequent items found and needing corrective action

- ✓ Administrative findings: non-discrimination notifications, civil rights grievance policies and procedures, Civil Rights Compliance Officer(s) information
- ✓ Access and Admissions findings: inadmissible inquiries related to applicant's sex, marital status and/or ethnicity and race
- ✓ Employment related findings: inadmissible inquiries related to applicant's sex, marital status and/or ethnicity and race
- ✓ Accessibility findings: accessible parking spaces, accessible routes throughout the campus, restrooms, rooms and spaces accessibility issues, evacuation equipment, emergency evacuation plans and designated areas of Rescue Assistance for the disabled

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Background of OCR

- **USDOE:** <http://www2.ed.gov/policy/rights/reg/ocr/index.html>
- **NYSED:**
<http://www.highered.nysed.gov/kiap/colldev/VTEA/CarID.PerkinsCareerandTechnicalEducationCivilRightsCompliance.htm>
- **Overview of a CRCR:** http://sbctc.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>

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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

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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://wave.webaim.org/>
- **Department of Education's Assistive Technology Program:**
<http://www.ed.gov/policy/gen/guid/assistivetech.html>¹⁰

In summary . . .

- We all have an obligation to ensure that ALL students have unfettered opportunities to have **access to** and **make progress** in college, programs, and buildings.
- Anything less would be a form of discrimination which is unlawful.

... Questions?