

System Civil Rights Compliance Review

ON-SITE COORDINATOR'S MANUAL

Office of Workforce Development
Career Technical Education

August, 2019



KANSAS BOARD OF REGENTS

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FOREWORD

This manual is to be used by the On-Site Coordinator in preparation for the On-Site Review conducted by the Kansas Board of Regents. This manual was developed to guide the On-Site Review Coordinator through the necessary preparation for the review. The most crucial part of a successful On-Site Review is the advanced preparation made by the Coordinator.

This manual describes the types of materials, data, and scheduling needed to assist the On-Site Review staff in reviewing for Civil Rights Compliance. It includes preparation checklists and suggestions for the scheduling of interviews and communicating with institutional staff.

If you need assistance while preparing for the On-Site Review, you may contact:

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PURPOSE OF THE ON-SITE REVIEW

The purpose of the On-Site Review is to review the campus for compliance with federal laws:

- Title VI of the Civil Rights Act of 1964, and its implementing regulation at 34 C.F.R. Part 100 (Title VI), which prohibit discrimination on the basis of race, color, and national origin by recipients of federal financial assistance;
- Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX), which prohibit discrimination on the basis of sex in any educational program or activity receiving federal financial assistance;
- Section 504 of the Rehabilitation Act of 1973, and its implementing regulation of 34 C.F.R. Part 104 (Section 504), which prohibit discrimination on the basis of disability by recipients of federal financial assistance;
- Title II of the Americans with Disabilities Act of 1990, and its implementing regulation at 28 C.F.R. Part 35 (Title II), which prohibit discrimination on the basis of disability by public entities; and
- *Guidelines for Elimination Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs, 34 C.F.R. Part 100, Appendix B (Guidelines).*

Summary of these laws can be found in the appendix. All schools receiving federal funds are required to comply with federal nondiscrimination laws. U.S. Office of Education, Office for Civil Rights monitors this compliance requirement.

INSTITUTIONAL SELECTION PROCESS

The Office of Career Technical Education at the Kansas Board of Regents is responsible for monitoring subrecipients to ensure compliance. The Kansas Board of Regents has developed a targeting plan to select on-site reviews for civil rights compliance in career and technical education programs

Subrecipient Universe

The Kansas universe will include the following career and technical education providers for each fiscal year: Community colleges, technical colleges, and a municipal university. Community colleges, technical colleges and municipal university will be listed in the Kansas Postsecondary Universe.

Selection Criteria

The following criteria will be used as a basis for selection of postsecondary institutions for on-site reviews:

- Analysis of career and technical education enrollment data;
 - underrepresented gender by enrollment;
 - disproportionate enrollment by race/ethnicity/national origin;
 - disproportionate enrollment by disability, limited English proficiency, and economic disadvantaged; and
 - date of the last on-site review

Postsecondary Site Selection:

- The postsecondary subrecipients will be ranked in the four categories as described.
- The two (2) postsecondary subrecipients with the highest total score will be selected for an on-site review.
- Should two postsecondary subrecipients have equal scores the date of the last on-site review will be the determining factor for the on-site review site.
- If a subrecipient, which has been selected for a comprehensive on-site review, cannot be visited in the year for which it has been selected, it will be added to the subuniverse of the following year.
 - The subrecipient with the next highest score will be visited as an alternative.

The general belief is that the subrecipients receiving the highest total score has the greatest potential for violations; therefore, those subrecipients will be flagged for a comprehensive on-site visit. Hence the subrecipients targeted for an on-site review should demonstrate the greatest potential for possible violations. A total of two (2) comprehensive on-site visits will be conducted each year within the postsecondary institutions indicated above.

The comprehensive on-site reviews will include the following components:

1. Review of documents and data;

2. Interviews to gather pertinent data regarding compliance issues;
3. Site review of facilities accessibility; and
4. Determination of compliance/noncompliance with procedural requirements.

COMMUNICATION

The System Civil Rights Compliance Review is a collaborative process between the institution and the Kansas Board of Regents. On-going communication between staff from the institution and the Kansas Board of Regents is essential for a successful review. The person assigned as the onsite coordinator by the institution is encouraged to communicate with the Kansas Board of Regents throughout the process.

ON-SITE REVIEW PROCESS

The Civil Rights Review process consists of a desk audit in which various institutional data points will be reviewed to determine on-site review of an institution to evaluate with Civil Rights standards and guidelines.

TOURS: OFF CAMPUS & MAIN CAMPUS

The institution should provide a guided tour of all facilities that the institution owns and leases where classes are offered and students receive instruction or services. The Team will not need to tour facilities that are not under the control of the institution. For example, classes offered at a local business or high school would not be toured. KBOR or a designated representative will tour the main campus. The Facilities Director should be part of the tour group. Individuals or small groups will tour off-campus sites. Tours should include a walk-through of representative classrooms, lab, shops, auditoriums, locker rooms, gyms, administrative and student service areas. All restrooms are reviewed.

ENTRANCE INTERVIEW

An entrance interview will be conducted during the On-Site Review. The purpose of this meeting is to introduce On-Site Review Team members to institution personnel, to acknowledge appreciation for the effort put into preparing for the visit, to provide background information concerning the authority and components and procedures of the compliance review, to explain Kansas State Institutions and Universities philosophy regarding the compliance review process, and to provide an overview of on-site activities.

The On-Site Coordinator is encouraged to invite any staff members the administration feels would be interested or would like more information about the On-Site Review to this meeting. The time and location of the entrance interview is determined by the On-Site Coordinator and On-Site Review Team Leader.

The *On-Site Team Leader* will be responsible for:

- Calling the entrance interview team meeting to order
- Introducing all On-Site Review Team members
- Explaining the overall plan and procedures for monitoring on-site
- Responding to questions about the Civil Rights Compliance program and/or the On-Site Review.

The *Institution President* may provide an orientation to the institution:

- Mission and philosophy of the institution
- Brief history of the institution
- Institution enrollment trends
- Student demographics
- Facility Review
- Review of the programs/majors offered
- Strong points and problem areas of the institution and the education programs

The entrance interview is expected to take no longer than one hour, depending on the number and type of questions submitted.

REVIEW OF MATERIALS & TEAM MEETINGS

The On-Site Team reviews all the documentation provided by the institution. The institution documentation is organized to correspond to the standards/guidelines defined in Federal laws. The Team reviews each of the standards/guidelines using an objective worksheet that identifies the specific standard/guideline and the element of proof that would identify compliance. The worksheet is available upon request.

INTERVIEWS: ADMINISTRATORS, SUPPORT STAFF, FACULTY AND STUDENTS

The KBOR staff or designated representative will interview a variety of employees and students and will be asking a set of predetermined questions. Questions vary depending on the roles of the individuals. Interview questions are in the appendix. The KBOR representative will be taking notes. However, names of interviewees or specific quotes will NOT appear in any report or findings.

The institution is responsible for identifying individuals to be interviewed and scheduling times and locations. The institution has the option of scheduling individuals during any of the interview times. For example, it may be more convenient to schedule students during the three interview times or all during the first interview time. **In addition, it is important to include minorities, individuals with disabilities, and individuals in nontraditional roles in the interviews for employees, as well as students. Interviewees should be informed of the scheduled time and place where their interview will be conducted.**

EXIT INTERVIEW

An exit interview, not to exceed 60 minutes, will be held at the conclusion of the Administrative on-site visit. The President will select those who attend this meeting. The KBOR staff or designated representative will conduct this meeting. The exit interview is designed to provide preliminary impressions of on-site findings, highlighting positive findings and reviewing areas that will need corrective action. The post On-Site Review activities and timelines will be presented. In addition, the need to develop a voluntary compliance plan will be reviewed.

SCHEDULING AND ARRANGEMENT CONSIDERATIONS

Plan and schedule the On-Site Review with these considerations in mind:

- Most on-site reviews will be conducted in two days. However, large or multi-campus institutions may be scheduled for a longer visit.
- A two or three-member team will conduct most on-site reviews.

All arrangements for the on-site review should be made prior to the time the entrance interview is held.

The team headquarters should be a room that is available to the On-Site Team during the entire on-site review. The room should contain tables and chairs to accommodate the entire team.

The KBOR office should be provided a packet of institutional information prior to the on-site review. Documentation materials should be in a labeled file folder for each standard/guideline. In addition, it is helpful to have key information in a large document flagged with Post-it Notes, e.g., a specific section of the institution catalog or student handbook.

General information packet provided to KBOR in advance:

- Institution Catalog
- Student Handbook
- Viewbook
- Institution Directory
- Institution Organizational Chart
- Institution Enrollment History
- Enrollment by Program/Major: Current year and previous two years:
- Total enrollment by Program/Major
 - Minority-nonminority enrollment by Program/Major
 - Male-female enrollment by Program/Major
 - Enrollment of students with disabilities by Program/Major

MATERIALS NEEDED FOR DOCUMENTATION

The following information should be provided **by the deadline indicated in the notice of onsite visit** to the Kansas Board of Regents. Materials, documents and records should be assembled, labeled and arranged in the following order (only one set of each is necessary for review) in individual file folders, in the order that follows:

Documentation Suggestions Kansas Board of Regents System Civil Rights On-Site Review

- Enrollment by Program/Major: Current year and previous two years:
 - Total enrollment
 - Minority-nonminority enrollment
 - Male-female enrollment
 - Enrollment of students with disabilities

Major	Year	Disability	Gender		Am Ind/ Alaska	Asian	Black	Hawaii/Pac Islander	Hispanic	White	Unknown	Total
			Female	Male								
	Current											
	Last Yr.											
	2 yrs.											

- List of all buildings and parking lots with date each was constructed, with date of any remodeling/alteration. **If no date of construction or alteration can be found, the most restrictive standards will be applied (1991 ADA Standard).**
- Color coded college map showing date each building was constructed, with date of any remodeling/alteration.
- Map of all parking lots showing the date each lot was resurfaced or restriped.
 - Total number of parking spaces per lot
 - Total number of handicapped parking spaces per lot
 - Total number of van accessible parking spaces per lot.

This guide will be utilized by the team conducting your Civil Rights On-site Review. The best way to prepare for the review is by thoroughly familiarizing yourself with this guide. You will learn what items the team is looking for during the review, as well as what legal regulations are the authority for the review.

This guide is organized in sections by requirements (ex: Administrative, Financial Aid, etc.). Underneath each section, you will find a numbered list of Equity Requirements including the legal citation.

Pay special attention to the “Indicators of Compliance” and the “Documentation” box in bold. Please collect the items listed in each Documentation box and forward to KBOR prior to your on-site visit for review. If the Documentation requested is located on your institutional website, please indicate this fact. Items on your website do not need to be printed; the review staff will view your website and indicate its status. The Documentation boxes are not all inclusive; we also realize that your institution may not have/use all of the documents listed. Please use the items listed in the boxes as a guide and assemble all documentation that you feel is applicable for each section. It is also helpful if you organize the documentation in folders by section: 1) Administrative Issues, 2) Recruitment, 3) Admissions, and so forth.

Legal citations guiding the Civil Rights Review:

- Title VI of the 1964 Civil Rights Act, and its implementing regulation at 34 C.F.R. Part 100 (Title VI), which prohibits discrimination on the basis of race, color, and national origin by recipients of federal financial assistance.
- Title IX of the 1972 Education Amendments, and its implementing regulation at 34 C.F.R. Part 106 (Title IX), which prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), which prohibits discrimination on the basis of disability by recipients of federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990, and its implementing regulation at 28 C.F.R. Part 35 (Title II), which prohibits discrimination on the basis of disability by public entities.
- *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicapped in Vocation Education Programs*, 34 C.F.R. Part 100, Appendix B (Guidelines).

ADMINISTRATIVE

Recipients need to have certain basic requirements in place to comply with the Office for Civil Rights, *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicapped in Vocation Education Programs*, Title VI, Title IX, Section 504 and Title II. These basic procedures include an annual public notice, continuous notification, designation of a person(s) to coordinate activities under Title IX, Section 504, and Title II and a grievance procedure that will allow students an avenue for dealing with alleged discrimination. To verify this, it will be necessary to review many documents and to interview administrators, Title IX, Title II and Section 504 coordinators, faculty and students.

Suggested Persons to Interview: PR person, administrators, students and parents (particularly Limited English Proficiency students and students with disabilities).

Equity Requirement 1: Continuous Nondiscrimination Notice

Legal Citation: A recipient must take continuing steps to notify participants, beneficiaries, applicants, elementary and secondary school parents, employees (including those with impaired vision or hearing), and unions or professional organizations holding collective bargaining or professional agreements with the recipients 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.

Documentation:

Is nondiscrimination notice found in the following publications:	Yes	No
Brochures on programs, activities		
Posters advertising various programs		
Recruitment materials		
Student application		
Catalog		
Student handbook		
Job announcements		
Job application		
Website		
Social media platforms		
Institution newspaper/calendar		
Other:		

Equity Requirement 2: Person(s) responsible for coordinating Title IX and Section 504

Legal Citation: 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.

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, Title II, and Title IX activities. This (these) person(s) must be aware of their duties and responsibilities and have the training necessary to carry out their responsibilities.

Recipient lists coordinators of Section 504 and Title IX with their name and/or title, address and phone number in the notice of nondiscrimination.

Documentation:

	Yes	No
Catalogs		
Handbooks		
Job descriptions		
Website		
Interviews with Section 504 and Title IX coordinator(s)		
Interviews with students, particularly nontraditional and those with disabilities		
Interview with faculty and administrators		

Equity Requirement 3: Annual Public Nondiscrimination Notification

Legal Citation: Prior to the beginning of each school 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.

The notice must include a brief summary of program offerings and admission criteria and the name and/or title, office address, and phone number of persons designated to coordinate compliance under Title IX and Section 504.

Title IX: 34 CFR 106.8(a) Section 504: 34 CFR 104.7(a) Title II: 28 CFR 35.107(a)
Guidelines IV-0

Indicators of Compliance: Recipient issues annual public notice of nondiscrimination. The notice also is disseminated in the language of any national origin minority community in the service area. Annual notice lists coordinators of Section 504/ADA and Title IX with their name and/or title, address, and phone number.

Documentation:

Is the notice in:	Yes	No
Local newspapers?		
Institution newspapers?		
Institution website?		
Email to students, faculty, & staff?		
Social media platforms?		
Other publications?		

Does the notice have a brief description of technical program offerings and admission criteria?		
Do publications with notice reach students, employees and applicants? Ask administrators how the publications are distributed.		
Is the notice available to visually impaired persons? Ask administrators how this is done.		
Does the community have national origin minority students with limited English language skills? (Check census data and/or ask administrators, faculty and students). If yes, is notice available in the language of the national origin minority community? How is the notice disseminated to the national origin minority community?		

Equity Requirement 4: Grievance Procedure

Legal Citation: A recipient shall adopt and publish a grievance procedure 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 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 is readily available to students and employees and it is prompt and equitable.

Documentation:

Is the grievance procedure in:	Yes	No
Student handbooks		
Employee handbooks		
Catalogs		
Data on complaints		
Interviews with faculty, students and administrators		
Interviews with Section 504/ADA and Title IX coordinators		

RECRUITMENT

Recruitment activities and materials should convey the message that all career and technical education programs are open to all students without regard to race, color, national origin, sex or disability status. Information about career and technical education opportunities should be available to all potential students. Promotional materials should avoid stereotyping. Recruitment teams, to the extent possible, should represent persons of different races, national origins, sexes and disabilities.

Equity Requirement 1: Recruitment Activities

Legal Citation: 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:

	Yes	No
Recruitment plans		
List of recruitment activities and sites		
Description of recruitment activities		

Equity Requirement 2: Recruitment materials

Legal Citation: 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:

	Yes	No
Recruitment brochures and marketing materials		
Course catalog		

Equity Requirement 3: Recruitment Teams

Legal Citation: To the extent possible, recruiting teams should represent persons of different races, national origins, sexes and disabilities.

Guidelines V-C

Indicators of Compliance: Where possible, persons of differing races, genders and disability are used for recruiting purposes (however, failure to do so should not be construed as noncompliance).

Documentation:

	Yes	No
Staff demographics by program		
Recruitment team demographics by program		

Equity Requirement 4: Counselors Communications

Legal Citation: Recipients must ensure that counselors can effectively communicate with students with limited English proficiency and with students with sensory impairments.

Guidelines V-D

Indicators of Compliance: The content of materials available to other 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.

Documentation:

	Yes	No
Written plan for the provision of services for Limited English Proficiency (LEP) individuals		
Written plan for provision for services for hearing impaired individuals.		
Samples of materials in other languages/formats		

Equity Requirement 5: Promotional Efforts

Legal Citation: 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. 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 varying races, male and female, persons with disabilities, and different national origins.

Documentation:

	Yes	No
Promotional materials, including brochures, flyers, newspaper advertising, catalogs		

Equity Requirement 6: Limited English Proficiency

Legal Citation: If a recipient’s service area contains a community with persons of limited English proficiency, information must be available to that community in its language.

Guidelines V-E

Indicators of Compliance: Process is in place to identify and communicate with language minority communities. Efforts are made to communicate in a commonly understood language.

Documentation:

	Yes	No
Verification of Limited English Proficiency (LEP) community		
Samples of materials in other languages		

ADMISSIONS

Admission policies, procedures and criteria may not exclude students from career and technical education programs on the basis of race, color, national origin, sex or disability. Where admissions criteria exclude a disproportionate number of persons of a particular race, color, national origin or 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 should be avoided.

Equity Requirement 1: Admissions exclusions

Legal Citation: A recipient may not judge candidates for admission to career and technical education programs on the basis of criteria that have the effect of disproportionately excluding persons or a particular race, color, national origin, sex or disability. If such disproportionate exclusion occurs, the criteria or standards must be validated as essential for participation.

Guidelines IV-K

Indicators of Compliance: Demographics of career and technical education programs enrollment are similar to demographics of eligible pool or recipient provides a legitimate nondiscriminatory rationale.

Demographics of specific career and technical education programs are similar to demographics of entire career and technical education enrollment or recipient provides a legitimate nondiscriminatory rationale.

Admissions procedure, policy and/or practice for career and technical education program enrollment avoid criteria that disproportionately exclude persons of a particular race, color, national origin, sex or disability status.

Admissions criteria that disproportionately exclude have been validated as essential to participation.

Documentation:

	Yes	No
Admissions policy for career and technical education programs. Description of the admissions process.		
Procedures and criteria for selective admissions for career and technical education programs (where there are more applicants than can be accommodated)		
Demographics of rejected applicants by selection criteria		
Demographics of selected applicants by selection criteria		

Equity Requirement 2: Preadmissions Inquiries

Legal Citation: Recipients must avoid preadmission inquiries about marital, parental or disability status.

Title IX: 34 CFR 106.21 (c)
Title II: 28 CFR 35

Section 504: 34 CFR 104.42 (b) (4)

Indicators of Compliance: Application forms and materials do not request information about marital, parental or disability status.

Documentation:

	Yes	No
Admissions application form and materials		

Equity Requirement 3: Access

Legal Citation: A recipient must not deny access to vocational and academic programs or courses to students with a disability on the basis that employment opportunities in any occupation or profession may be more limited for disabled persons than for nondisabled persons.

Section 504: 34 CFR 104.10
Guidelines IV-N

Section 504: 34 CFR 104.43(c)

Indicators of Compliance: The agency does not discourage students with disabilities from participating in programs due to potential workplace discrimination.

Documentation:

	Yes	No
Documentation of counseling		
Counseling materials		
Enrollment data		
Number of disabled students by program		
Placement/follow up data		
Interviews		

Equity Requirement 4: Postsecondary – Validated Postsecondary Admission Testing

Legal Citation: Postsecondary admission tests are selected and administered in such a way that they accurately reflect the aptitude or achievement of an applicant with impaired sensory, vocal, or speaking skills, rather than measuring their disability (except where these skills are the factors the tests purports to measure).

Section 504: 34 CFR 104.44(b)(3) Guidelines IV-N

Indicators of Compliance: Admission tests and their manner of administration are validated for use with persons with impaired sensory, vocal or speaking skills.

Documentation:

	Yes	No
Lists of tests used.		
Description of test administration methods for persons with sensory, vocal, or speaking impairments.		

Equity Requirement 5: Postsecondary – Preadmission Inquiries Regarding Disabilities

Legal Citation: Postsecondary institutions may not make preadmission inquiries regarding disabling conditions except when taking remedial steps to increase participation when underrepresentation is identified.

Section 504: 34 CFR 104.42(b)(4) & (c)

Indicators of Compliance: The recipient does not request information about disability prior to admission.

Documentation:

	Yes	No

Student handbook/college catalog		
Application forms		
Guidance/counseling forms & procedures		
Recruitment materials		
Admissions packets		
Interviews		

COUNSELING & PRE-PROFESSIONAL PROGRAMS

Issues relating to counseling and pre-professional programs may include steering of 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.

Interviews with counselors, teachers or courses/programs with disproportionate enrollment and students in “nontraditional” courses/programs may clarify compliance.

List programs or classes with disproportionate enrollment:

Program:

Underrepresented Group:

Equity Requirement 1: Counseling Materials & Activities

Legal Citation: 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: CFR 106.21(a)(b)
 Title IX: CFR 106.34
 Section 504: 34 CFR 104.47(b)
 Guidelines V-A

Title IX: 34 CFR 106.36(a)
 Section 504: 34 CFR 104.4(a), and 104.34(a) and (c)
 Title II: 28 CFR 35.130

Indicators of Compliance: The written guidance plan, policy, and procedures ensure nondiscrimination.

The written assessment plan ensures nondiscrimination.

Documentation:

	Yes	No
Guidance plan, policy, and procedure		
Assessment plan with a list of tests administered		
Written procedures for evaluation and placement of disabled students		
Promotional and recruitment materials		
Enrollment demographics		
Recruitment, admission policies		
LEP policy		
Calendar of counseling and pre-vocational activities		

Equity Requirement 2: Counseling of students into programs based on race, color, national origin, sex or disability

Legal Citation: 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: Career and technical education program enrollments by sex, race, national origin and disability are proportionate to enrollment of these groups in the general student population.

Where enrollments are not proportionate, the institution can furnish a legitimate, nondiscriminatory rationale.

Documentation:

	Yes	No
Admission criteria		
Enrollment forms		
Enrollment demographics by class/program		

Equity Requirement 3: Counseling of disabled students toward more restrictive career objectives

Legal Citation: Recipients may not counsel disabled students toward more restrictive career objectives than nondisabled students with similar abilities and interests.

Section 504: 34 CFR 104.37(b) Guidelines V-B

Indicators of Compliance: Disabled students have equal access to all programs and classes based on abilities and interests.

Documentation:

	Yes	No
Examples of pre-enrollment counseling		
Enrollment data		

Equity Requirement 4: Ensuring counseling services and materials are not responsible for disproportionate enrollment

Legal Citation: If disproportionate enrollments occur, efforts must be made to ensure that counseling services and materials are not responsible. Recipients must take steps to ensure that any disproportionate 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 disproportionate enrollment. When disproportionate enrollment occurs, recipient assesses counseling materials and activities and makes appropriate revisions or can articulate a legitimate, nondiscriminatory rationale.

Documentation:

	Yes	No
Examples of pre-enrollment counseling		
Enrollment data		
Examples of revised counseling materials or activities in response to disproportionate enrollments		

SERVICES FOR STUDENTS WITH DISABILITIES

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 institutions, 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 nondisabled peers as much as possible. Historically, the assumption was made that person with disabilities would not be able to function and the able-bodied should not put them in a position where they might be “uncomfortable”. However, research shows that gains made by persons with disabilities in the educational setting are enhanced when they are integrated with the appropriate aids and services. The Section 504 requirements for services for elementary and secondary students with disabilities are different from the requirements for services for postsecondary students with disabilities.

Interviews with the following persons may clarify compliance with this standard: Agency CEO, Guidance Counselors, Department Chairs, ADA and Section 504 Coordinators, coordinator for Disabled Student Services, facilities Director. In addition to interviews, a visual inspection of facilities should be conducted.

Equity Requirement 1: Program Access

Legal Citation: 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 agency implements policies and procedures ensuring access for students with disabilities to programs, services and activities.

Documentation:

	Yes	No
Board policy		
Student handbooks		
Membership lists in clubs and activities		
Procedures for selection into clubs, activities and programs		
Criteria for admission into courses, programs, services and activities		

Equity Requirement 2: Exclusion

Legal Citation: Disabled students must not be excluded from vocational, career or academic programs, courses, services or activities due to equipment barriers or because necessary related aids and services or auxiliary aids are not available.

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:

	Yes	No
Example(s) of equipment adapted		
Description of policy for providing aids and services		
Description of aids and services available/provided/denied		
List of materials/resources available for seeing or hearing impaired		
Enrollment data by program		
Number of disabled students denied admission		
Student handbook/college catalog		
Policies governing use of guide dogs, tape recorders, note takers		
Interviews		

Note:

Equity Requirements 3 through 6 apply to secondary education only

Equity Requirement 7: Postsecondary 504 services

Legal Citation: If academic requirements that are essential to the career and technical program have the effect of discriminating against applicants or students on the basis of a disability, the institution should provide academic adjustments, including modified course examinations and auxiliary aids and services, for qualified disabled persons to complete a degree program and/or licensure requirements.

Section 504: 34 CFR 104.44(a)

Indicators of Compliance: List of academic adjustments available to disabled students who need such modifications in order to succeed in a career and technical education program. Please note: this list should also identify the providers for such services.

Documentation:

	Yes	No
Interviews with disabled students services coordinator and faculty		
Records or equipment schedules for the provision of auxiliary aids and services to individuals students with disabilities.		
Interviews with disabled students		

Equity Requirement 8: Adjustment

Legal Citation: Postsecondary recipients need to adjust academic requirements to meet the needs of individual students with a disability.

Section 504: 34 CFR 104.44(a) Title II: 28 CFR 35.130(b)(7) Guidelines IV-N

Indicators of Compliance: The agency adjusts academic requirements as appropriate to meet the needs of students with disabilities.

Documentation:

	Yes	No
Number of students with disabilities in various courses and programs		
List of programs in which particular students with disabilities have been denied access		
Programs in which essential requirements or licensing requirements have prevented access		
List of modifications by program		
Interviews		

Equity Requirement 9: Examinations

Legal Citation: Course examinations or other procedures for evaluating students’ academic achievements are administered in such a way that disabled students’ aptitudes or achievement levels or other relevant factors 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 agency accommodates needs of students with disabilities during testing.

Documentation:

	Yes	No
Lists of modifications to tests or test administration		
Location of testing; facility accessibility, auditory/lighting adequate		
Procedures for determining need		
Interviews		

Equity Requirement 10: Housing in Postsecondary Institutions

Legal Citation: Students receive equitable opportunities to benefit from housing programs regardless of their sex, national origin, color, race or disability.

Title VI: 34 CFR 100.3(b) Title IX: 34 CFR 106.32 Section 504: 34 CFR 104.45
Guidelines VI-C

Indicators of Compliance: The on-campus housing reflects the demographics of the general student population.

If an apparent disparity exists, the institution offers a legitimate, nondiscriminatory reason.

Documentation:

	Yes	No
Data of those living on campus		

Interviews with students		
Interviews with residence hall staff		

Equity Requirement 11: Housing program meets Section 504 and Title II accessibility requirements

Legal Citation: The institution offers students with disabilities on-campus or off-campus housing that is comparable, convenient, and accessible to students with disabilities, at the same cost and under the same conditions as offered to nondisabled students.

Section 504: 34 CFR 104.45 Guidelines VI-C

Indicators of Compliance: The housing program meets 504 and Title II accessibility requirements.

Students with disabilities have a full range of features and prices to choose from.

Documentation:

	Yes	No
Interviews with students		
Disaggregated demographic study of who is living in the residence halls		
Audit of features and prices		

Equity Requirement 12: Housing Equity, Nondiscrimination agreements with off-campus housing providers

Legal Citation: If an off-campus housing service is provided for students by arrangement with the institution, there is evidence that it is serving all students regardless of their sex, race, color, national origin or disability.

Title VI: 34 CFR Title IX: 34 CFR Section 504: 34 CFR Guidelines VI-C

Indicators of Compliance: The institution has nondiscriminatory agreements in place with off-campus housing providers.

The institution acts to resolve allegations of discrimination against off-campus housing providers operating under contract or similar agreements.

Documentation:

	Yes	No
Data showing who is using the off-campus housing service		
Interviews with students		
Review of contracts and agreements		

Equity Requirement 13: Notification of nondiscrimination in contracts with off-campus housing providers

Legal Citation: The college does not cooperate with any landlord who discriminates on the basis of race, color, national origin, sex or disability.

Title VI: 34 CFR Title IX: 34 CFR Section 504: 34 CFR
Guidelines VI-C

Indicators of Compliance: Written "contract" with the landlord that includes the notification of nondiscrimination.

Timely investigation initiated and corrective action taken in response to any complaint.

Documentation:

	Yes	No
Review of the written contracts with landlords		
Interviews with students		
Interviews with off-campus housing staff		
Interview with a sample of landlords		

WORK STUDY, COOPERATIVE EDUCATION, AND JOB PLACEMENT

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 sex, race, national origin or disability of the student. It is also illegal to cooperate with an employer that requests students on the basis of sex, race, color, 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 institution or college 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.

Equity Requirement 1: Opportunities

Legal Citation: 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 institution or program.

If there is a disparity, the institution provides a legitimate, nondiscriminatory rationale.

Documentation:

	Yes	No
Review of enrollment data in the work-study, cooperative education and job placement programs		
Interviews with students		
Interviews with staff		

Equity Requirement 2: Employer Non-discrimination

Legal Citation: 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 requests for students who are free of disabilities or for students of a particular race, color, national origin or sex.

Documentation:

	Yes	No
Review of workplace assignments, hours of work and job assignments.		
Interviews with students		
Interviews with staff		

APPRENTICESHIP TRAINING PROGRAM

In the same way that an employer may not discriminate and the educational agency may not work with any that do discriminate, it also has the responsibility to ensure that entities sponsoring apprenticeship programs such as unions do not discriminate. To be a partner in that discrimination is illegal. Assignments cannot be made or withheld in an apprenticeship program simply because of the sex, race, color, national origin or disability of the student. A written agreement is recommended whereby the apprenticeship program indicates it will not discriminate on these bases. It is necessary to review apprenticeship assurance forms, the assignments of students presently in such programs and the placement process to see whether any such patterns exist.

Equity Requirement 1: Non-discrimination

Legal Citation: Schools may not enter into an agreement for the provision or support of apprentice training for students or union members with any labor union or other sponsor that discriminates against its members or applicants on the basis of race, color, national origin, sex or disability.

Title VI: 34 CFR 100.3(c) Title IX: 34 CFR 106.31(d) Section 504: 34 CFR 104.11(a)(4)
Guidelines VII-B

Indicators of Compliance: Verification that staff understands this requirement.

Verification that staff has not honored any request.

Documentation:

	Yes	No
Policy or written procedure		
Interview with students		
Interview with staff		
Interview with sponsors of apprenticeship programs		

Equity Requirement 2: Written Assurance

Legal Citation: A written agreement between the institution and the labor union or other sponsor includes an assurance of nondiscrimination on the basis of race, color, national origin, sex or disability.

Guidelines VII-B

Indicators of Compliance: Written agreement between apprenticeship program and the agency contains the nondiscrimination statement that is signed by both parties.

Documentation:

	Yes	No
Review of the written agreement		

EMPLOYMENT

Recipients are prohibited from engaging in any employment practice that 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, salary establishment and administration, reasonable accommodation and overcoming the effects of past discrimination.

Suggested Persons to Interview: Personnel Director/Human Resources Director/Human Director, Recruiters or Personnel Staffing Specialists, Affirmative Action Officer, Top Managers, Members of Recruitment and Selection Teams or Committees, Recent hires, Union Officers or Negotiators, Staff who are members of protected groups.

Equity Requirement 1: Employment Practices

Legal Citation: 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. Recipients may not make pre-employment inquiries concerning disability, marital or parental status.

Title VI: 34 CFR 100.3(c)

Section 504: 34 CFR 104.13, 104.14

Title IX: 34 CFR 106.51, 106.57, 106.60

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 or marital or parental status.

Documentation:

	Yes	No
Hiring policies and procedures		
Advancement policies and procedures		
Employee handbooks		
Application materials and forms		
Screening committee policies and procedures		
Rating systems		
Job announcements		
Recruitment policies		

Equity Requirement 2: Notification

Legal Citation: 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 education 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:

	Yes	No
Application form for employment		
Vacancy announcements and advertisements		
Recruitment letters or contacts		
Personnel web site and other related recruitment documents		
Published nondiscrimination statement in newspapers, student handbooks, other college materials		

Equity Requirement 3: Salary Scales

Legal Citation: The recipient should 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, 104.12

Guidelines VIII-D

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.

Non-faculty salary administration is based upon the conditions of employment without regard to race, color, national origin, sex or disability.

Documentation:

	Yes	No
Faculty salary schedules and related policies		
Faculty assignment information by race/ethnic group, sex and disabled staff		
A non-faculty classification/compensation system is in place that evaluates jobs and places them in appropriate salary ranges according to working conditions and levels of employment responsibility		

Equity Requirement 4: Opportunities

Legal Citation: Recipients must provide equal employment opportunities for teaching and administrative positions to disabled applicants who can perform the essential functions of the positions and make reasonable accommodations for the physical or mental limitations of disabled (otherwise qualified) applicants 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 the disabled.

Disabled persons are employed in teaching and administrative positions and are not treated differently in promotion and tenure decisions.

Documentation:

	Yes	No
Number of staff with disabilities		
Copies/descriptions of policies, procedures and criteria considered for hiring, promotion, retention and tenure including professional and non-professional applications		

SITE LOCATION & STUDENT ELIGIBILITY CRITERIA

Vocational Education Program Guidelines, Sections IV-A – 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 career and technical education facilities, establishing geographic residence requirements, establishing numerical limits on students from sending schools, additions to existing career and technical education facilities, and any other criteria that have the purpose or effect of disproportionately excluding students of a particular race, national origin, sex or disability.

Equity Requirement 1: Student Eligibility

Legal Citation: Recipient may not develop, impose, maintain, approve or implement student admission eligibility criteria that discriminate on the basis of race, color, national origin, sex or disability.

Guidelines IV-A

Indicators of Compliance: Student eligibility criteria for admission to career and technical education institutions, facilities or programs do not discriminate on the basis of race, color, national origin, sex or disability.

Documentation:

	Yes	No
Eligibility and admission criteria for postsecondary institutions		
Eligibility and admission criteria for career and technical education facilities, campuses		
Eligibility and admission criteria for career and technical education programs		

Equity Requirement 2: Site Selection and Modifications

Legal Citation: 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 and technical education sites are readily accessible to minority and nonminority communities and their location does not have a segregate effect.

Documentation:

	Yes	No
Maps showing location of career and technical education facilities		
Enrollment demographics for each facility		
Demographics of communities surrounding facility		

Equity Requirement 3: Facility Modifications

Legal Citation: 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 career and technical education site is readily accessible to minority and nonminority communities and the modification does not have a segregative effect.

Documentation:

	Yes	No
Maps showing locations of modified career and technical education facilities		
Student demographics before and after facility modifications		
Demographics of communities surrounding facility		

Equity Requirement 4: Geographic Boundaries

Legal Citation: A recipient may not establish, approve or maintain geographic boundaries that unlawfully excludes 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:

	Yes	No
Maps of attendance zones.		
Demographics of contiguous service areas to the facility		
Curriculum offerings at contiguous facilities		
Job placement rates at contiguous facilities		

ACCESSIBILITY

504/ADA Accessibility Issues

Recipients may not exclude students with disabilities from enjoying the benefits of its program or service because its facilities are inaccessible to or unusable by persons with disabilities.

Interviews with the following persons may clarify compliance with this standard: Agency CEO, Guidance Counselors, Department Chairs, ADA and 504 coordinators, Coordinator for Disabled Student Services, Facilities Director.

In addition to interviews, a visual inspection of facilities should be conducted. The following items could be helpful during the visual inspection.

- Blueprints
- Construction Contracts
- Work orders.

Applicable accessibility standards are determined by the date the facility construction began or the last date renovations/alterations to the building began.

Readily Accessible: Construction or alteration initiated before June 4, 1977.
Existing facilities. Section 504: 34 CFR 104.22

ANSI A117.1-1961 (R1971): Construction or alteration initiated between June 4, 1977 and January 17, 1991.
New construction. Section 504: 34 CFR 104.23

UFAS: Construction or alteration initiated on or after January 18, 1991.
New construction. Section 504: 34 CFR 104.23

ADA or UFAS: Construction or alteration initiated on or after January 27, 1992.
New construction. ADA 28 CFR 35.151

List each facility reviewed with the date of construction and/or last alteration date and the career and technical education programs offered therein.

***Note:** 1977, 1991, 1992 are pivotal years. Month, date and year are necessary to determine the applicable accessibility standard in these years.

Construction dates of January 27, 1992 or after need to be clarified with the sub recipient as to whether they followed ADA or UFAS accessibility standards in construction.

Building

Date

Programs

Equity Requirement 1: Existing facility under 504 – Built or altered beginning June 3, 1977 or earlier

Legal Citation: A recipient shall operate its program or activity so that when each part is reviewed 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 aids to beneficiaries (but no carrying).

Home visits.

Alteration of existing facilities and construction of new facilities in conformance with the requirements for new construction.

Any other methods that result in making its program or activity accessible to persons with disabilities.

Documentation:

	Yes	No
Observations and measurements		
Blueprints and plans		
Renovation schedules		
Maintenance records		
Work orders or contracts indicating construction start dates		

Equity Requirement 2: New construction under 504 – Built or altered between June 4, 1977 and January 17, 1991 inclusive

Legal Citation: Each facility or part of a facility construction by, on behalf of, or for the use of a recipient 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 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:

- 4.1 Grading
- 4.2 Walks
- 4.3 Parking lots
- 5.1 Ramps and gradients
- 5.2 Entrances
- 5.3 Doors and doorways
- 5.4 Stairs
- 5.5 Floors
- 5.6 Toilet rooms
- 5.7 Water fountains
- 5.8 Public phones
- 5.9 Elevators
- 5.10 Controls
- 5.11 Identification
- 5.12 Warning signs
- 5.13 Hazards

Documentation:

	Yes	No
Observations and measurements		
Blueprints and plans		
Alteration schedules		
Maintenance records		
Work orders or contracts indicating construction start dates		

Equity Requirement 3: 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.

Legal Citation: 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 disabilities. Conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix a to 41 CFR subpart 101-19.6). Departures from particular technical and scooping 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:

- | | | |
|---|---|---|
| 4.1 Minimum requirements | 4.13 Doors | 4.25 Storage |
| 4.2 Space allowance and reach ranges | 4.14 Entrances | 4.26 Handrails, grab bars, tub and shower seats |
| 4.3 Accessible route | 4.15 Drinking fountains | 4.27 Controls and operating mechanisms |
| 4.4 Protruding objects | 4.16 Water closets | 4.28 Alarms |
| 4.5 Ground and floor surfaces | 4.17 Toilet stalls | 4.29 Tactile warnings |
| 4.6 Parking and passenger loading zones | 4.17 Urinals | 4.30 Signage |
| 4.7 Curb ramps | 4.19 Lavatories and mirrors | 4.31 Phones |
| 4.8 Ramps | 4.20 Bathtubs | 4.32 Seating, tables and work surfaces |
| 4.9 Stairs | 4.21 Shower stalls | 4.33 Assembly areas |
| 4.10 Elevators | 4.22 Toilet rooms | 4.34 Dwelling units |
| 4.11 Platform lifts | 4.23 Bathrooms, bathing facilities and shower rooms | Other requirements |
| 4.12 Windows | 4.24 Sinks | |

Documentation:

	Yes	No
Observations and measurements		
Blueprints and plans		
Alteration schedules		
Maintenance records		
Work orders or contracts indicating construction start dates		

Equity Requirement 4: New construction under ADA Title II and 504 – Built after January 26, 1992; exercising the option to follow ADA

Legal Citation: 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 a manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADA) (Appendix A to 34 CFR Part 36). Departures from the 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:

- | | | |
|---|---|---|
| 4.1 Minimum requirements | 4.13 Doors | 4.25 Storage |
| 4.2 Space allowance and reach ranges | 4.14 Entrances | 4.26 Handrails, grab bars, tub and shower seats |
| 4.3 Accessible route | 4.15 Drinking fountains | 4.27 Controls and operating mechanisms |
| 4.4 Protruding objects | 4.16 Water closets | 4.28 Alarms |
| 4.5 Ground and floor surfaces | 4.17 Toilet stalls | 4.29 Tactile warnings |
| 4.6 Parking and passenger loading zones | 4.17 Urinals | 4.30 Signage |
| 4.7 Curb ramps | 4.19 Lavatories and mirrors | 4.31 Phones |
| 4.8 Ramps | 4.20 Bathtubs | 4.32 Seating, tables and work surfaces |
| 4.9 Stairs | 4.21 Shower stalls | 4.33 Assembly areas |
| 4.10 Elevators | 4.22 Toilet rooms | 4.34 Dwelling units |
| 4.11 Platform lifts | 4.23 Bathrooms, bathing facilities and shower rooms | Other requirements |
| 4.12 Windows | 4.24 Sinks | |

Documentation:

	Yes	No
Observations and measurements		
Blueprints and plans		
Alteration schedules		
Maintenance records		
Work orders or contracts indicating construction start dates		

COMPARABLE FACILITIES

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, shops or laboratories.

Equity Requirement 1: Separate programs/facilities

Legal Citation: 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:

	Yes	No
Review of facilities		
Comparison of programs and services offered to both students with disabilities and students without disabilities.		

Equity Requirement 2: Comparable facilities

Legal Citation: Changing rooms, showers and other facilities for students of one sex are comparable to those provided to students of the other sex.

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) Guidelines VI-D

Indicators of Compliance: Locker rooms have approximately the same space and amenities for both males and females.

If there is a disparity, the institution provides a legitimate, nondiscriminatory rationale.

Changing rooms, showers, bathrooms and other facilities near the career and technical education areas are comparable for both men and women.

Persons with disabilities have convenient access to changing facilities and shower facilities.

Documentation:

	Yes	No
Visual examination of the facilities		
Interviews with students		
Interviews with staff		

STUDENT FINANCIAL ASSISTANCE

Colleges are not to limit honors, awards and scholarships to a group on the basis of race, color, national origin, sex or disability unless such targeting is done to provide opportunities to members of a group that has not traditionally been represented. Outside agencies that provide awards are to be notified of the college nondiscrimination policy.

A college may administer or assist in the administration of scholarships, fellowships or other forms of financial assistance established pursuant to domestic or foreign will, trust, bequests or similar legal instruments or by acts of a foreign government which require that awards go to a student of a particular sex, race or national origin, or with a particular disability. However, the overall effect of such restricted awards and scholarships must not lead to discrimination in access to total scholarships on the basis of sex, race, national origin or disability.

While this is primarily a postsecondary issue, secondary schools helping to prepare students for postsecondary experiences can help disadvantaged students by being aware of this requirement because financial aid is often the stumbling block for those historically underrepresented in postsecondary education.

Interviews with the following persons may clarify compliance with this standard: Financial Aid Director, Financial Aid Counselors, Guidance Counselors, Department Chairs, Title IX Coordinator, 504/ADA Coordinators.

Equity Requirement 1: Availability

Legal Citation: Financial assistance is available to all students regardless of sex, race, color, national origin or disability.

Title VI: 34 CFR 100.3(b) Title IX: 34 CFR 106.37
 Section 504: 34 CFR 104.46(a) Guidelines VI-B

Indicators of Compliance: Institutional data on financial aid demonstrates that there is equitable distribution of financial aid regardless of sex, race, color, national origin or disability.

If an apparent disparity exists, the institution offers a legitimate, nondiscriminatory reason.

Documentation:

	Yes	No
Financial aid data by sex, race, color, national origin or disability.		
Interviews with students		
Interviews with financial aid staff		
Interviews with counselors		

Equity Requirement 2: Awards

Legal Citation: Sex-restricted 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.

Title IX: 34 CFR 106.37 Guidelines VI-B

Indicators of Compliance: Documentation is available as to the number and amount of aid given as a result of will, trust, bequest or other legal instrument.

Overall, the institution’s financial assistance does not discriminate on the basis of sex.

Documentation:

	Yes	No
Review of all financial assistance given as a result of trust, bequest, or other legal instrument.		
Review of all sex-restricted financial aid given.		
Review total list of financial aid to ensure the overall effect does not discriminate.		

Equity Requirement 3: Information

Legal Citation: 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:

	Yes	No
Review materials written for students and families concerning the financial assistance available.		
Interviews with students		
Interviews with financial aid staff		

Equity Requirement 4: Limited Language Skills

Legal Citation: National origin minority persons with limited English language skills receive information about financial assistance in their own language.

Guidelines VI-B

Indicators of Compliance: Community demographics indicate that national origin minority persons with limited English language skills are a part of the population served by the college.

Communications about financial assistance is available in the home language of these members of the community.

Documentation:

	Yes	No
Review written communications		
Review demographics of the area served by the college		
Interviews with students		
Interview bilingual interpreters		

ON-SITE REVIEW PREPARATION CHECKLIST

This checklist is designed to aid those who are directly responsible for coordinating activities of the on-site review for Civil Rights Compliance in Career Technical Education Programs. It entails all arrangements that must be made prior to the date the on-site review is conducted (only one set of each is necessary for review).

A check () in the “Yes” column for each of the following questions will assure a successful review within the timeframe.

HAVE YOU . . . ? **Yes** **No**

Arranged for the Entrance and Exit Interviews (location/time)?

- Consulted the appropriate administrator for the selection of staff members you want to attend the Entrance and Exit Interviews and informed them of the date/location/time?
- Selected a person (the On-Site Coordinator) to call the Entrance and Exit Interview meetings to order and provide additional information requested?
- Informed the person(s) selected of their assigned task(s)?

Contacted the Kansas Board of Regents to inform of the time and location of the Entrance Interview meetings?

Reserved a permanent place for the On-Site Review Team?

Notified the institution staff in general that an on-site review will be conducted and informed them of what to expect?

Assembled and labeled, as indicated, the following materials, documents and records?

NOTE: The headings/labels for each of the exhibits is consistent with the headings/labels in the following:

- Documentation Suggestions List
- On-Site Review Worksheet

Prepared maps or layouts of the buildings and locations involved for the on-site review team?

Identified the appropriate staff who are to be interviewed (see checklist item below) and prepared a time schedule allowing 45 minutes per interview?

Notified the following individuals to inform them of the scheduled time and place?

President	<input type="checkbox"/>	<input type="checkbox"/>
Academic Affairs & Student Services Administrator	<input type="checkbox"/>	<input type="checkbox"/>
Title VI Coordinator or Affirmative Action Officer	<input type="checkbox"/>	<input type="checkbox"/>
Human Resource Director	<input type="checkbox"/>	<input type="checkbox"/>

Facilities Director	<input type="checkbox"/>	<input type="checkbox"/>
Counselors (female, male)	<input type="checkbox"/>	<input type="checkbox"/>
Counselor for Disabled Students	<input type="checkbox"/>	<input type="checkbox"/>
Title IX Coordinator	<input type="checkbox"/>	<input type="checkbox"/>
Section 504 Coordinator	<input type="checkbox"/>	<input type="checkbox"/>
Special Needs Coordinator	<input type="checkbox"/>	<input type="checkbox"/>
Financial Aid Officer	<input type="checkbox"/>	<input type="checkbox"/>
Faculty - Occupational & General Education (minority, disabled, and male-female)	<input type="checkbox"/>	<input type="checkbox"/>
Students	<input type="checkbox"/>	<input type="checkbox"/>
Called the Kansas Board of Regents to answer any questions you have about this checklist.	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: It is helpful to have sections of documents (catalogs, handbooks, reports, etc.) where specific documentation is located to be flagged with post-it notes and highlighters. It helps ensure that the team members will be able to find the appropriate documentation in order to determine compliance with a specific guideline or standard.

Also, information does not need to be duplicated. If the same information is recommended for multiple sections, include the information in only one section. However, in the section where the information is NOT located, place a page indicating the information is located in another section.

POST ON-SITE REVIEW

A Preliminary Letter of Findings (LOF) will be provided to the institution within 30 calendar days of the On-Site Review. The Preliminary LOF will provide the compliance status of each of the standards/guidelines reviewed. The Preliminary LOF will identify the standard/guideline, state the compliance status, describe the rationale for the compliance status and identify recommended corrective action. All the findings are based on the review of materials, interviews, observations and tour of the facilities.

The institution will have 30 calendar days to review and respond to the Preliminary LOF. The institution will correct any inaccuracies or provide additional information to clarify a finding. In some instances items that need corrective action may have been corrected. The Preliminary LOF will be changed to reflect the input from the institution.

A Final LOF will be sent to the institution within 15 calendar days of receipt of the feedback from the Preliminary LOF. The Final LOF becomes the official findings of the On-Site Review and will be filed with the U.S. Department of Education - Office for Civil Rights.

The institution has 30 calendar days to develop a Voluntary Compliance Plan (VCP). Compliance plans are written using the recommended format and address how the specific non-compliance item will be corrected or remediated. The plans will define the action to be taken, timelines, personnel responsible, technical assistance needs, and monitoring and evaluation results/outcomes. Information on how to develop a VCP is in the appendix.

Appendix

SUMMARY OF FEDERAL AND STATE LAWS AND REGULATIONS

INTERVIEW QUESTIONS FOR ADMINISTRATORS

INTERVIEW QUESTIONS FOR TEACHERS/COUNSELORS

INTERVIEW QUESTIONS FOR STUDENTS

DEVELOPING A VOLUNTARY COMPLIANCE PLAN

SAMPLE OF ADMINISTRATIVE DOCUMENTS

SUMMARY OF FEDERAL AND STATE LAWS AND REGULATIONS

Summary of Federal and State Laws and Regulations Prohibiting Discrimination in Educational Institutions and Agencies and State Government

Title VI of the Civil Rights Act of 1964

[Pub.L. 88-352, Title VI, §601, 78 Stat.252, 42 USCA §2000d]

Title VI of the Civil Rights Act prohibits discrimination against students on the grounds of race, color, or national origin in programs receiving federal funds. Title VI and related case law prohibits discrimination on the basis of race in student admissions, access to courses and programs, and student policies and their application. They also require the provision of bilingual instruction or some other method of compensating for students of limited English speaking ability. Title VI covers any institution or agency receiving federal funds. Most education activities of the recipient agency or institution are covered, even some activities or programs not in direct receipt of federal funds. Title VI is enforced by the Office for Civil Rights of the U.S. Department of Education.

Title IX of the 1972 Education Amendments

[Pub.L. 92-318, Title IX, §§901,902, 86 Stat.373, 374, 20 USCA §§1681, 1682]

Title IX prohibits discrimination on the basis of sex against students and employees of education programs and activities receiving federal funds. Nearly all elementary, secondary and postsecondary institutions are covered under this legislation. The Title IX regulations prohibit sex discrimination in the areas of programming and employment. Title IX is enforced by the Office for Civil Rights of the U.S. Department of Education.

Section 504 of the 1973 Rehabilitation Act

[Pub.L. 93-112, as amended by the Rehab. Act Amendments of 1974, Pub.L. 93-516, 29 USC §794; 20 USCA §1405, 20 USCA §794]

Section 504 prohibits discrimination on the basis of disability in employment and programming by all recipients of federal financial assistance. Section 504 is enforced by the Office for Civil Rights of the U.S. Department of Education.

Americans with Disabilities Act of 1990

[Pub.L. 101-336, 104 Stat.327, 42 USC §12101 nt]

The ADA's essence rests in its prohibition against the exclusion of people from jobs, services, activities, or benefits based on disability. To that end, the ADA's five sections, or titles, cover employment, state and local governments and transportation, public accommodations, telecommunications, and miscellaneous provisions.

Title I of the ADA covers the employment relationship. Effective July 26, 1992, Title I prohibits employers with 25 or more employees (the threshold dropped to 15 employees on July 26, 1994) from discriminating against otherwise qualified job applicants and workers who have disabilities or become disabled. The job application process, the hiring decision, promotions, training, and wages are all covered by the title.

Title II of the Act, covering “public entities” (state and local governments) and transportation, extends the prohibition of discrimination in programs receiving federal funds established by Section 504 of the Rehabilitation Act (29 USC 794) to all public entities, whether or not they receive federal financial assistance.

Title III of the ADA requires that places of public accommodation and commercial facilities be accessible to people with disabilities. Commercial facilities under Title III are defined as non-residential facilities, including office buildings, factories, and warehouses, whose operations affect commerce.

Title IV of the ADA amends the Communications Act of 1934 (47 USC 151 et seq.) to provide for telecommunications relay services for hearing- and speech-impaired individuals and to provide closed-captioning of public service announcements.

Title V is the catchall title of the ADA. It includes provisions on accessibility standards, as referenced in Title III; enforcement provisions; attorney’s fees; insurance issues; relationship to other laws; coverage of Congress; and, among other things, the publication of technical assistance manuals by federal agencies.

INTERVIEW QUESTIONS FOR ADMINISTRATORS

KBOR will interview at least two Administrators.

Name _____ Sex: M F Title _____

Functional Area of Responsibility: _____

1. What steps has your institution taken to assure compliance with Non-Discrimination laws for students?

2. What steps has your institution taken to assure non-discrimination in employment of your staff?

3. What special efforts or practices are utilized to maintain equal opportunity for students in the various programs you oversee? _____

4. What special efforts are made to insure balance and selection of students in non-traditional occupations/programs (males in Nursing, females in Trade & Industry, etc.)?

5. How are you evaluated on issues related to Affirmative Action, Diversity, and Equal Opportunity?

6. How do you evaluate your subordinates on those same activities/results?

7. Who would you go to if you have questions regarding nondiscrimination laws and regulations? (Title VI, IX, Section 504, and ADA) _____

8. What is your perception of the educational climate for the following groups?

Non-Traditional Students: _____

Minority Students: _____

Students with Disabilities: _____

9. Are you aware of any programs that have disproportionate enrollment? (for example, programs having more than 75% of one gender, programs with a concentration of minority students, or programs with a concentration of students with disabilities) YES or NO

Which groups? GENDER MINORITY STUDENTS W/ DISABILITY

10. If there are programs with disproportionate enrollment, what steps have been taken to address the issue? _____

11. What Equal Opportunity, Diversity or Affirmative Action programs or activities have been implemented with positive results? _____

12. What areas do you see as needing improvement and/or attention in order to provide Equal Opportunity, Diversity or Affirmative Action? What is the best way to do this?

13. Use the following space for notes related to specific questions to be addressed to this Administrator related to their specific administrative assignment.

INTERVIEW QUESTIONS FOR TEACHERS/COUNSELORS

KBOR will interview at least three Teachers or Counselors from different programs.

Name _____ Sex: M F Program _____

1. What steps has your institution taken to assure compliance with Non-Discrimination laws for students?

2. What assistance is provided to undecided students regarding classes and occupational choices?

3. Are non-traditional careers clearly investigated?

4. What is your perception of the educational climate for the following groups?

Non-Traditional Students: _____

Minority Students: _____

Students with Disabilities: _____

5. Who would you go to if you have questions regarding nondiscrimination laws and regulations?

(Title VI, IX, Section 504, and ADA) _____

6. How are you involved in recruiting and advising students? _____

7. Are you aware of any programs that have disproportionate enrollment? (for example, programs having more than 75% of one gender, programs with a concentration of minority students, or programs with a concentration of students with disabilities) YES or NO

Which groups? GENDER MINORITY STUDENTS W/ DISABILITY

8. If your program has disproportionate enrollment, what steps have been taken to address the issue?

9. What is your involvement in job placement or recommendations for job placement? _____

10. Are these coordinated through a placement office or can you deal directly with employers? _____

11. How do you balance opportunities for all your students in placement situations? _____

12. What Equal Opportunity, Diversity or Affirmative Action programs or activities have been implemented in your program or department with positive results? _____

13. What areas do you see as needing improvement and/or attention in order to provide Equal Opportunity or insure Diversity in the student population? Staff?

14. Use the following space for notes related to specific questions to be addressed to this

Teacher/Counselor: _____

INTERVIEW QUESTIONS FOR STUDENTS

KBOR will interview at least five Students from different programs.

Student's Name _____ Sex: M F Program _____

1. What assistance did the institution counselor(s) give you before you decided on a career?

2. Why did you decide to take your current program or course of study? _____

3. Do you consider yourself a Traditional or Non-Traditional student in this career choice?

4. Did anyone ever counsel you on non-traditional jobs or careers? YES or NO

Was this counseling positive or negative? _____

What convinced you to pursue or avoid a non-traditional career? _____

5. What is your perception of the educational climate for the following groups?

Non-Traditional Students: _____

Minority Students: _____

Students with Disabilities: _____

6. Are you aware of any programs that have disproportionate enrollment? (for example, programs having more than 75% of one gender, programs with a concentration of minority students, or programs with a concentration of students with disabilities) YES or NO

Which groups?	GENDER	MINORITY	STUDENTS W/ DISABILITY
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7. If there are programs with disproportionate enrollment, what steps have you seen to address the issue?

8. Does the institution provide assistance to students with disabilities? If so, who has that responsibility?

9. What difficulties, if any, have you experienced in enrolling in courses of your choice?

10. Who assisted you in overcoming these difficulties? _____

11. Who would you notify if you had been discriminated against or harassed at this institution?

12. Have you ever been discriminated against or harassed at this institution? _____

13. Does your institution have a job placement office? YES or NO

14. What does it do? _____

15. How will you use it? _____

16. Is there anything more the institution can do to help you succeed in your program/major?

17. Any other comments or suggestions? _____

DEVELOPING A VOLUNTARY COMPLIANCE PLAN

DEFINITION

A Voluntary Compliance Plan is a written plan developed by the institution outlining the exact procedures and actions it will take to correct items or issues, which need corrective action that were identified in the Final Letter of Findings.

TIMELINESS FOR SUBMISSION

Institutions have a maximum of 30 calendar days following the date on the cover letter for the On-Site Review Final Report (Letter of Findings), to submit a compliance plan. A draft of the compliance plan should be submitted within 20 days for initial review and comment. Technical assistance for the development and implementation of the Voluntary Compliance Plan will be provided by KBOR staff and will be available upon request.

PROCEDURE FOR DEVELOPMENT

An individual or a team representing the institution will develop the Voluntary Compliance Plan.

COMPONENTS OF A COMPLIANCE PLAN

The following information must be included (see suggested format - appendix)

1. Name of the institution.
2. Date of submission of the plan.
3. Identification of each non-compliance item identified in the Final Letter of Findings as needing corrective action.
4. Statement of KBOR's recommendation(s) for compliance.
5. Planned correction action - statement of action to be taken in order to comply.
6. Signature of campus official.
7. Identification of activities/steps, such as specific tasks that must be accomplished in order to complete the planned corrective action.
8. Timeline(s) or the date(s) each activity/step will begin and be completed.
9. Person/position responsible, i.e. the specific personnel designated to initiate and monitor the implementation of the tasks/activities.
10. Technical assistance needs, i.e. identification of the specific resources needed in order to comply, identification of the source that is expected to provide the resource(s), and the identification of date(s) by which the resource(s) will be provided.
11. Monitoring and Evaluation -- identification of tangible examples, products or outcomes which can be examined and assessed by KBOR staff to determine whether the institution has made changes or provisions necessary for complying (includes photos, screenshots of documents, etc.).

NOTE:

- **Plans should be completed as soon as possible, with no plan taking more than three years to complete.**
- Every Compliance Plan must include all items listed above with the exception of component #10.
- VCP template will be sent to the On-site Coordinator

PROCEDURES FOR SUBMISSION AND REVIEW

Within the required time response (20 calendar days), a draft of the Voluntary Compliance Plan should be submitted to: Tobias D Wood twood@ksbor.org or Charmine Chambers cchambers@ksbor.org

When the draft is received, staff will review it. KBOR staff may recommend modifications to the plan. The institution will be consulted regarding modifications, if needed. The institution will submit a final Voluntary Compliance Plan for approval within 30 calendar days of receipt of the Final Letter of Findings. Following approval by KBOR staff, a response will be issued via email.

Sample VCP:

VOLUNTARY COMPLIANCE PLAN FOR CIVIL RIGHTS REVIEW CAREER AND TECHNICAL EDUCATION – FY 2020 Kansas Board of Regents									
Educational Institution: Sample Community College To be submitted by: Jane Doe, President									
Date of Review: February 21, 2019 Date of Final Letter of Findings: March 28, 2019									
The Voluntary Compliance Plan (VCP) should be submitted within 30 days of receipt of the Final Letter of Findings (LOF). A draft of the compliance plan should be submitted within 20 days for initial review and comment. Technical assistance for the development and implementation of the VCP will be provided by KBOR staff and is available upon request.									
This time frame does not mean that all deficiencies outlined in the Voluntary Compliance Plan must be completed within the 30-day window. The VCP details your institution’s plan to address each of the noncompliance issues identified during the on-site visit. On the enclosed plan, estimate a target completion date for the corrective actions and designate a person on your campus to be responsible for seeing that each corrective action is completed.									
See http://www.ada-compliance.com/ for details on each of the accessibility findings.									
_____ President’s Signature					_____ Date				
Finding	Required Action Item/Location	Specific Action Item to be Completed	Guidance	POC Responsible	Target Completion Date	Date or Status of Remedy	How Verified	Closing Date	Closed Letter Sent
Example	Fieldhouse Gymnasium	Do this specific action.	Law or code	John Smith/ Facilities Manager	June 2019	Pending			
Example	Student Union Bookstore	Do this specific action.	Law or code	John Smith/ Facilities Manager	June 2019	Completed 5-30-2019	Photo #3	12-30-2019	12-30-2019