

**THE OHIO DEPARTMENT OF EDUCATION  
METHODS OF ADMINISTRATION  
FOR COMPLYING WITH CIVIL RIGHTS  
GUIDELINES IN CAREER-TECHNICAL AND ADULT EDUCATION**

Updated 2009

Universe & Targeting Plan for FY 2010-FY 2013

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***PART I - INTRODUCTORY INFORMATION***

On March 21, 1979 the U.S. Office for Civil Rights (OCR) of the former Department of Health, Education and Welfare (HEW), issued Guidelines [44FR 17162; 45 CFR 80 App.B/] that mandated each state to develop a review process to measure the compliance of publicly funded programs with Title VI (race, color, national origin), Title IX (sex), and Section 504 (handicap) regulations (nondiscrimination requirements in the provision of career-technical and adult education programs). The Guidelines explain the civil rights responsibilities of recipients of federal financial assistance that offer or administer career-technical and adult education programs. The following description of the development process for the Methods of Administration (MOA) includes the names of all contributing bureaus within the Ohio Department of Education (ODE), other state agencies and professional advisory groups which assisted in the original writing, review and approval procedures.

- A. Principal responsibility for MOP-MOA development was the State Board of Education. The State of Ohio's Department of Education is the state's official educational agency (SEA).
- B. Advisory groups and professional organizations, which were requested to be involved in MOA development include:
  - ❖ State Department of Education - Affirmative Action Office
  - ❖ Ohio Department of Education, Office of Career-Technical and Adult Education
  - ❖ Ohio Civil Rights Commission
  - ❖ Ohio Department of Education, Legal Counsel
  - ❖ Ohio Department of Education, Office of Special Education
  - ❖ Governors Council on People with Disabilities
  - ❖ Bureau of Employment Services, Women's Services Office
  - ❖ Akron City School District
  - ❖ Dayton City School District
  - ❖ Greene County Joint Vocational School District
  - ❖ Penta County Joint Vocational School District

## PROCESS OF MOA REVIEW

Representatives of the agencies and advisory groups identified in Section B were provided the opportunity to review the Plan for the Methods of Administration of the Office for Civil Rights Guidelines. All agencies and groups identified were given the opportunity to review and respond to developed draft(s) of the updated Methods of Administration Plan.

## REVIEW OF THE METHODS OF ADMINISTRATION PLAN (Update Addendum-1997)

The final approval of the Methods of Administration Plan was submitted by the MOA/OCR Coordinator through the Associate Director, System, Planning, Analysis and Improvement to the Director of Career-Technical and Adult Education and to the Office of the Superintendent of Public Instruction and the department's legal counsel prior to the official submission of the plan to the U.S. Department of Education, Office for Civil Rights.

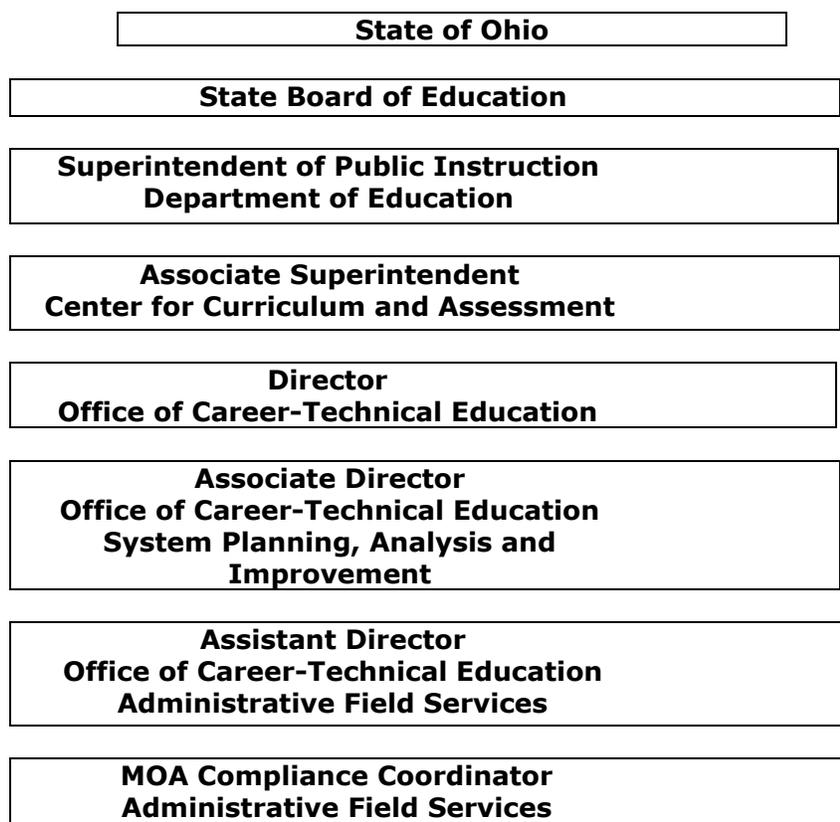
The State Board of Education is the principal agency in the State of Ohio to govern elementary and secondary education. The State Department of Education is the primary agency responsible for implementing the policies and practices of the State Board of Education. Within the Department of Education, the Office for implementing the Methods of Administration (MOA) Plan has been designated as the Office of Career-Technical and Adult Education. Within the Office of Career-Technical and Adult Education, System, Planning, Analysis and Improvement and Administrative Field Services has been assigned the responsibility of reviewing internal state compliance policies, developing the civil rights compliance program for the state's career-technical and adult education system, and developing the program of technical assistance.

The Office of Career-Technical and Adult Education, within the Ohio Department of Education, will have primary responsibility for implementing the compliance program.

The Assistant Director for Administrative Field Services within the Office of Career-Technical and Adult Education will serve as the immediate supervisor of the compliance program plan. The Associate Director for System, Planning, Analysis and Improvement within the Office of Career-Technical and Adult Education will serve as the Director of the compliance program plan.

The identified Compliance Supervisor/Coordinator is to implement the MOA/OCR program within the Office and with eligible Ohio sub-recipients. An organizational chart follows:

**DESCRIPTION OF ADMINISTRATIVE UNIT  
ORGANIZATIONAL CHART (Simplified)**



**The Ohio Department of Education staff assigned major responsibility to carry out the civil rights compliance and technical assistance programs are:**

Raul Soto, Associate Director  
Center for Curriculum and Assessment  
Office of Career-Technical and Adult Education  
System Planning, Analysis and Improvement

Dwight Anstaett, Assistant Director  
Office of Career-Technical and Adult Education  
Administrative Field Services

Robert Bowermeister, Civil Rights MOA Coordinator  
Office of Career-Technical and Adult Education  
Administrative Field Services  
25 South Front Street, MS 610  
Columbus, Ohio 43215-4183  
Telephone (614) 466-4835  
Fax (614) 466-2573

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The job description listed below of ODE's Civil Rights MOA Coordinator is relative to the provisions of:

- ❖ Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination).
  - ❖ Title IX of the Education Amendments of 1972 (prohibiting sex discrimination).
  - ❖ Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination).
  - ❖ Age Discrimination Act of 1975 (prohibiting age discrimination).
  - ❖ The Americans with Disabilities Act (ADA) of 1990 (prohibiting disability discrimination by public entities, including public school districts, public colleges and universities, and public career-technical and adult schools).
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### Job Description of Ohio's Department of Education's Civil Rights MOA Coordinator

- ❖ Coordinate within career-technical and adult education, the Office for Civil Rights directed civil rights compliance program designed to prohibit discrimination and denial of services on the basis of race, color, national origin, sex, disability and age.
- ❖ Assure that compliance reviews are conducted of sub-recipients to ensure non-discrimination in the establishment of criteria or formulas for distribution of federal or state funds to career-technical education programs; the establishment of requirements for admission to or requirements for the administration of career-technical and adult education programs; ODE approval of actions by secondary, postsecondary and adult career-technical education providers; and the conduct of ODE's own programs that could affect civil rights compliance.
- ❖ Collect and analyze civil rights related data and information that sub-recipients compile for their own purposes or that are submitted to state and federal officials.
- ❖ Conduct periodic compliance reviews of selected sub-recipients to determine whether unlawful discrimination in any aspect is substantiated within career-technical and adult programs and provisions of employment (including reasonable accommodations, employment and education practices).
- ❖ Notify sub-recipients found to be in noncompliance of the steps to be taken to attain voluntary compliance.
- ❖ Report activities and findings of the compliance programs to the Office for Civil Rights as prescribed in the federal Memorandum of Procedures (MOP).

- ❖ Prepare reports of findings and procedures relative to the state's MOA and OCR compliance program and make such reports available to the State Board of Education and among other agencies and the general public as requested and/or directed.
- ❖ Coordinate career-technical and adult education compliance program activities throughout the Ohio Department of Education.
- ❖ Provide technical assistance concerning civil rights issues related to public educational institutions, the Ohio Department of Education and school district personnel.
- ❖ Organize and participate in training and in-service programs for career-technical and adult education educators, counselors, administrators, career-technical and adult education teacher training staff and other educator groups associated with public, basic and higher education institutions.
- ❖ Maintain linkages with federal, state and local agencies concerned with problems related to providing equal educational opportunities for all individuals.
- ❖ Perform whatever other duties are required by federal and state regulations and applicable to federal and state laws, prohibiting discrimination and denial of services.
- ❖ Coordinate and conduct civil rights reviews of state operated programs and state policies, publications and procedures that apply to career-technical and adult education programs.
- ❖ Follow the requirements of the Department of Education's Methods of Administration for implementing the Office for Civil Rights' guidelines in conducting civil rights review activities.

## **PART II - REVIEW OF NEW STATE POLICIES AND PROGRAMS**

The review of state policies and programs will determine compliance with the requirements set forth in Section II (A) of the OCR Guidelines. All new and revised agency policies, procedures and operations will be reviewed continuously. New state policies and procedures will be examined continuously to correct any new policies and procedures found to be discriminatory.

# REVIEW OF STATE'S POLICIES AND PROGRAMS

## STATE POLICY REVIEW

### DESCRIPTION OF REVIEW PROCESS

The Ohio Department of Education, Office of career-technical and adult education will review internal policies and procedures of the State agency in the following areas:

#### Funding for Career-Technical and Adult Education

The State of Ohio, Department of Education, Office of Career-Technical and Adult Education will review the distribution of state and federal funds in the areas of (1) construction, (2) equipment, (3) programming, (4) special programs, (5) family and consumer science, (6) instructional reimbursement, (7) grants and contracts, (8) special services and (9) support services. Policies, procedures, and practices for funding in the above areas will be administered so that no student or group of students is unlawfully denied an equal opportunity to benefit from career-technical and adult education because of race, color, national origin, sex, or disability.

#### Admissions to Career-Technical and Adult Education

The State of Ohio, Department of Education, Office of Career-Technical and Adult Education will review admission requirements used to enroll students into any career-technical and adult education program. Examination of enrollment requirements and selection procedures will be reviewed in light of any propensity of discrimination or denial of services on the basis of race, color, national origin, sex, or disability.

This examination will be applicable to student eligibility criteria, counseling materials and activities, promotional and recruitment, and the accommodations for disabled students. This examination will be applicable to program areas for (1) students considered for regular programs, (2) students considered for special programs, (3) career-technical and adult education facilities and (4) area (joint vocational) schools.

#### Administration of Career-Technical and Adult Education

The State of Ohio, Department of Education, Office of Career-Technical and Adult Education will review state administrative policies for discrimination on the basis of race, color, national origin, sex, and disability as it relates to: (1) approval of career-technical and adult education administrators, (2) selection of state and local career-technical and adult education staffs, (3) selection of state and local advisory council and staffs, (4) site selection of career-technical and adult education centers, (5) the development of new additions and/or renovations of existing facilities, and (6) administrative policies at the state and local levels for affirmative action.

## **PART III - ENSURING COMPLIANCE BY SUB-RECIPIENTS**

### **PROCEDURES FOR TARGETING SUB-RECIPIENTS FOR CIVIL RIGHTS ON-SITE EVALUATIONS**

This section of the MOA describes the process by which the ODE will fulfill the state's obligation under Section II (B) of the OCR Guidelines to ensure that sub-recipients are complying with the following civil rights mandates:

- ❖ Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination)
- ❖ Title IX of the Education Amendments of 1972 (prohibiting sex discrimination)
- ❖ Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination)
- ❖ Age Discrimination Act of 1975 (prohibiting age discrimination)
- ❖ Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination by public entities, including public school districts, public colleges and universities, public career-technical and adult schools and public libraries, whether or not they receive federal financial assistance).

## **PART IV – SUB-RECIPIENT UNIVERSE**

### **A. Sub-Recipient Universe**

#### **1. Career-Technical Planning Districts**

Ohio Revised Code Section 3313.90 requires that all public school districts provide career technical education programs and be included in a state board approved plan for career technical education. The districts included under a plan are considered a Career-Technical Planning District (CTPD).

There are three types of structures for CTPDs, including a single district, a joint district serving two or more counties, and a contract or compact district, in which local school districts operate under a contract and offer career technical programs together. There are 91 CTPDs in Ohio, as of July 1, 2008.

#### **2. Community Schools/State Operated Programs**

Ohio has 50 Community Schools that receive federal funding from the U.S. Department of Education and offer career technical programs. Each Community School will be considered as a separate entity for civil rights compliance purposes.

There are 2 state operated programs in Ohio, at Correctional Institutions that receive federal funding from the U.S. Department of Education and offer career technical programs. These include the Buckeye United School District (Juvenile) and the Ohio Central School System (Adult), with career technical programs at 21 adult facilities and 4 juvenile facilities.

### **3. Community Colleges**

There are currently 23 Community Colleges in Ohio providing career-technical education programs and receiving federal funding from the US Department of Education.

#### **Sub-recipient Universe**

(8) Major City  
(83) JVSD, Single District and Compact  
(52) Community Schools and SOP  
(23) Community Colleges

**Total 166**

$$166 \times .025 = 4.15$$

Ohio will conduct four onsite visits each year per our targeting plan.

### **PART V – TARGETING PLAN**

#### **A. Targeting Plan**

The 166 sub-recipients are divided into four groups for an onsite visit each year, on a five-year rotational basis. In each of the five years, visits will be made to: (1) a major city CTPD, (2) a JVSD, single district or compact district CTPD, (3) a Community College and (4) in alternating years a visit will be made to either a community school or a state operated program at a juvenile or adult correctional facility.

Given the unique characteristics, Community Schools and State Operated Programs (SOP) will be considered as one group, with respect to the sub recipient universe. A Community School, chosen randomly, will be visited in the first, third, and fifth years of the rotation. A Juvenile State Operated Program, chosen randomly, will be visited in the second year of rotation. An Adult Correctional State Operated program, chosen randomly, will be visited in the fourth year of the rotation.

#### **Agency Level Desk Audit**

The Ohio Department of Education, Office of Career-Technical and Adult Education will continue to conduct a desk (data) audit of sub-recipients each year only on those entities being considered for an on-site visit during the school year. Since state operated plans and community schools will be selected at random, no agency level desk audit will be conducted for that group of sub recipients.

Self-reported information from secondary sub-recipients, which is entered into the Educational Management Information System (EMIS), will be used for the secondary desk audit.

Self-reported information from postsecondary sub-recipients, which is entered into the Higher Education Information System (HEI), will be used for the postsecondary audit.

Information from both systems will be used to calculate gender, race and disability, and percentage point differences, comparing the numbers of students enrolled in all of the districts comprising the sub-recipient with the numbers of students enrolled in career-technical courses. The differences will be assigned a point value determined by the percentage point differences.

### 1. Gender

The percentage of males in a CTPD will be compared to the percentage of males in the career technical programs operated by the CTPD to get the difference, which will be called the percentage point difference.

### 2. Race

The percentage of minority students in a CTPD will be compared with the percentage of minority students in career tech programs operated by the CTPD to get the difference, which will be the percentage point difference.

### 3. Students with disabilities

The percentage of students with disabilities in the CTPD will be compared with the percentage of students with disabilities in career technical programs operated by the CTPD to get the difference, which will be the percentage point difference.

#### Gender

Percentage points difference assigned	Number of points
0 – 15	0
16-30	1
31-45	2
46-60	3
60 and above	4

#### Race

Percentage points difference	Number of points assigned
0 – 10	0
11-20	2
21-30	4
31-40	6
41 and above	8

## **Disability**

Percentage points difference	Number of points assigned
0 – 5	1
6-10	3
11-15	5
16-20	7
21 and above	9

### **C. Ranking**

The sub recipients will be grouped into four categories:

1. **Major City CTPDs** will be ranked, high to low, based upon the total number of assigned points resulting from the three calculations above.
2. **Joint Vocational School Districts, Single Districts and Compact CTPDs** will be ranked, high to low, based upon the total number of assigned points resulting from the three calculations above.
3. **Community College CTPDs** will be ranked, high to low, based upon the total number of assigned points resulting from the three calculations above.  
**(Note)** In the event that the total number of assigned points for 2 or more sub recipients is equal, the sub recipient with the longest elapsed time since an onsite visit will be chosen.
4. **Community Schools and State Operated Programs** will not be ranked, but chosen randomly in alternating years over the five-year rotation.

## **PART VI - CIVIL RIGHTS COMPLIANCE EVALUATIONS**

### **A. On-Site Civil Rights Compliance Evaluations**

On-site civil rights compliance evaluations will be conducted for those sub-recipients appearing to have a higher probability of compliance problems. The evaluations will include at least 2.5% of the total sub-recipient population for each year of the plan. The on-site evaluation provides an opportunity to investigate potential violations of civil rights laws, the identification of non-compliance policies and procedures that might not otherwise be evident and the provision of helpful technical assistance.

Each sub-recipient selected via the above process will receive an official notification of the on-site visit, 30 days in advance of the MOA Coordinator's visit.

The on-site civil rights compliance evaluation will provide for (1) a civil rights examination to determine if potential problems identified during the selection process are substantiated and are the result of unlawful discrimination; (2) an evaluation of additional areas which may reveal subtle forms of discrimination which are unlikely to be identified during the selection process; and (3) the provision of technical assistance specific to the local needs of the sub-recipient.

Sub-recipients will be requested to prepare an OCR file prior to the scheduled on-site civil rights evaluation to substantiate compliance with the information checklist inquiry. The information checklist will contain the following sections: Procedural, Counseling, Cooperative Career-Technical and Adult Education, Work-Study, Job Placement and Apprenticeship, Access and Admission to Career-Technical and Adult Education Programs and Equal Opportunity.

Those materials prepared by the sub-recipient will be evaluated during the scheduled civil rights compliance on-site review. Procedures used to evaluate compliance include teacher, administrator, student and personnel interviewing, visual observations of accessibility at the facilities and the evaluation of documentation.

At the conclusion of the on-site civil rights compliance evaluation, the evaluator will give an oral exit report to the administrator and staff of the district. The report will highlight the areas of noncompliance and provide technical assistance information and resources.

Within thirty days following the on-site review, the sub-recipient will be notified that (1) no violations were found (with a reminder of the sub-recipients continuing civil rights obligations and a statement to the effect that OCR may still wish to review the sub-recipient) or (2) that noncompliance was found with recommended action by OCR, and the sub-recipient will be given an opportunity to submit a voluntary compliance plan to remedy same.

The notification will contain a description of the state agency's plans for assisting the sub-recipient to come into compliance, a dispute deadline date and the due date for the voluntary compliance plan. The compliance plan outlining the statements of noncompliance findings will accompany the notification letter.

A copy of the OCR findings and voluntary compliance plans, on behalf of sub-recipients who were evaluated, will be forwarded to the Office for Civil Rights as part of the biennial report.

## B. Voluntary Compliance Plans

An outline of the noncompliance findings will be contained in a voluntary compliance plan. The plan must be signed by an official representative of the sub-recipient and detail methods of remedy, resources needed to implement the methods of remedy, the time frame for implementing the methods of remedy and the individual(s) responsible for implementation of the methods of remedy.

In the event the sub-recipient disagrees with the noncompliance findings, a dispute must be registered within 15 calendar days of the sub-recipient's receipt of the statement of noncompliance findings. The dispute should be directed to the ODE/MOA Coordinator who has submitted the noncompliance finding and/or his or her designee. Upon receipt of the sub-recipient's dispute, the MOA Coordinator will sustain, modify or reverse the findings, within 15 calendar days.

The voluntary compliance plan must be completed, signed and returned to the state agency within 30 working days. (This would include the aforementioned time [15 days] involved in resolving disputes to findings of noncompliance.)

Appropriate ODE staff will provide technical assistance during the on-site evaluation as well as through telephone and other mediums prior to the due date of the compliance plan.

In the event the sub-recipient refuses to submit a plan, does not prepare an adequate plan to substantiate remediation of noted noncompliance findings, or fails to take corrective action to remedy violations, the following notification process will be initiated by the Civil Rights Coordinator:

- 1.If the sub-recipient fails to take corrective action to remedy noncompliance found during the on-site review, the state agency will notify federal OCR as soon as it determines that it cannot secure voluntary compliance. If the sub-recipient refuses to submit a plan, the state agency will notify federal OCR no later than 90 calendar days after the state agency issues its on-site review notification of findings.
- 2.If the sub-recipient submits a plan that is inadequate but the sub-recipient is working in good faith to remedy the plan's deficiencies, the state agency will notify OCR no later than 120 calendar days after the state agency issues its on-site review notification of findings. The sub-recipient will submit documentation to the Civil Rights Coordinator relative to the status of its compliance plan. The documentation will be

submitted by the recipient upon completion of the implementation of its compliance plan by August 31 of the calendar year. If a sub-recipient requests an extension, it must be in writing not to exceed 90 days. State OCR will approve/disapprove in writing. However, documentation must be into OCR by December 1st of that calendar year.

Termination of federal funding for noncompliance is a decision of federal OCR not ODE. If federal OCR verifies a finding of noncompliance, the sub-recipient will be given the right to a hearing before federal OCR.

### C. Technical Assistance

Sub-recipients will be informed of the availability of technical assistance relative to civil rights compliance. Among other things, sub-recipients will be informed of the availability of technical assistance through mass mailings of resources, teleconference workshop activities, memoranda, in-service programs, dissemination of print, audiovisual and electronic resource materials.

Technical assistance activities may also include presentations relative to civil rights and equity issues by the above-noted ODE-OCR staff at state and regional conferences.

### D. Monitoring

Monitoring activities are viewed as a form of technical assistance when efforts are made to ensure that appropriate corrective action has been taken by sub-recipients found to be in noncompliance. Accordingly, ODE-OCR will continue the civil rights monitoring process provision of technical assistance.

Documentation to substantiate implementation of the compliance plan will be forwarded to the ODE address of the coordinator and/or his or her designee. Documentation may also be evaluated at the location of the sub-recipient subject to the discretion of the OCR Coordinator.

The Civil Rights Coordinator and/or his or her designee will be responsible for the monitoring. Each method of remedy that is outlined in the approved compliance plan will be substantiated. Methods of remedy not fully substantiated will be scrutinized by the coordinator for whatever additional technical assistance is deemed appropriate.

## **PART VII - REPORTING TO DOE, OFFICE OF CIVIL RIGHTS**

A biennial Civil Rights Compliance Report will be prepared and submitted to OCR by July 1 of the reporting year. This report will continue to provide a description of civil rights compliance activities and will minimally include the following sections:

- ❖ The staff resources (in Full Time Equivalent (FTE) or person years) allocated by the state agency to the MOA compliance program during each year of the reporting period;
- ❖ the results of the review of new state policies and procedures set forth in the four areas cited in Section II (A) of the Guidelines, along with a description of the action taken, if any, to correct any new policies and procedures found to be discriminatory;
- ❖ a list of the sub-recipients and SOP's for which the states conducted on-site reviews;
- ❖ a copy of each letter of finding issued following the OCR review;
- ❖ a copy of each voluntary compliance plan that was received and accepted;
- ❖ a list of all sub-recipients and state operated program's that the state is monitoring pursuant to on-site reviews conducted in the previous year, along with a summary of the status of each outstanding or fully-implemented voluntary compliance plan;
- ❖ a list of the sub-recipient and state operated program universe in alphabetical order and the year in which the last on-site was conducted. Sub-recipients or state operated programs that are new from the previous report should be noted; and
- ❖ a list of the sub-recipient and state operated program universe ranked by the state's selection criteria used for on-site selection.

The Biennial report will be reviewed by the Office of Civil Rights, Washington D.C. and any supplemental information will be provided to that office.