

07/16/2015

2015 Training Session for Administrators Session 4, Part 1: July 16, 2015 **Transcript CTE Federal Program Monitoring: Civil Rights Reviews**

(00:00)

(George Willcox speaking)

Good afternoon. Welcome to the Virginia Department of Education's Career and Technical Education video streaming session that will focus on Civil Rights Reviews in CTE programs. Our primary presenter and expert in this area is William Hatch, or "Bill," as he prefers to be called, joined our staff in January and will have the primary responsibility of conducting the Civil Rights Reviews and the Federal Program Monitoring Reviews.

(00:44)

Today's program will be provided in two parts: Part one will be Civil Rights Reviews. We will take a brief break following this review and come back for the Federal Program Monitoring Review. We trust that you will enjoy this professional development opportunity.

(01:08)

Good afternoon, Bill, and welcome to the Department of Education and the opportunity to share in a technical development mode with CTE directors across the state.

(Bill Speaking) Thank you, George, I'm looking forward to that opportunity, and I'm ready to get started.

(01:26)

Good afternoon. This is the CTE Civil Rights Review, and what we're going to be doing today is going through a brief overview of the Civil Rights Review and its components. One of the things we're going to be looking at is the purpose: *why* the Civil Rights Review is done. The other is why CTE is so interrelated to the Civil Rights Review, looking at the federal laws and regulations, the review process, and then primarily spending a lot of time on the scope of the on-site visit, and what actually happens when we come out to the schools.

(02:01)

The purpose of the CTE Civil Rights Review is primarily to ensure that each student enjoys equal access to CTE programs and activities regardless of race, color, national origin, sex, or disability. And the other is to make sure that the Virginia Department of Education fulfills its obligation to the Office for Civil Rights, to review and assist the school divisions regarding the federal Civil Rights laws.

(02:30)

One of the things that everyone wants to know is why CTE is so integrated with the Civil Rights Review. And primarily, back in the 70s, it comes out of a lawsuit against what is now the U.S. Department of Education to enforce Civil Rights requirements in CTE. And as a result the guidelines were created to perform the CTE Civil Rights reviews, and these guidelines continue to regulate the application of the related federal civil rights laws to govern/oversee/dictate/mandate the review of the CTE programs.

(03:10)

One thing we're going to do today is look at the federal laws and regulations that govern the CTE Civil Rights reviews. These are the guidelines we talked about just a minute ago. They set the requirements and provide guidance to monitor the reviews. We collect the data and analyze the data. We conduct periodic reviews. We provide technical assistance, making sure that we report the activities and findings to the Office of Civil Rights (OCR).

(03:42)

Some of the laws are Title VI of the Civil Rights Act of 1964. This prohibits discrimination on the basis of race, color, and national origin. Next is Title IX of the Education Amendments of 1972, and this prohibits discrimination on the basis of sex. We also look at Section 504 of the Rehabilitation Act of 1973, and this prohibits discrimination on the basis of disability. And then finally is Title II of the Americans with Disabilities Act (ADA), which prohibits discrimination of disability by public entities, and school divisions are included in those public entities.

(04:28)

So, as we go through the Civil Rights Review process, some of the things that I want to get you familiar with, are particularly looking at the target plan. School divisions are targeted on that 6-year cycle, with about 22 school divisions ranked per year. And what we do is look at the target plan—we have criteria that we develop and rank the school systems. What we do after ranking is we look at the top four that have earned the most points, if you will, and we select them and send them letters saying, "You are the lucky school divisions that will be reviewed this year," and I know that's everybody's favorite thing to do.

If you do get selected, the next thing will be that if you need or want an orientation, I will be glad to come out and provide that for you. And the next thing, before the on-site visit, is that we will be requesting information. We need some information prior to coming so we know what to look for, and it's going to expedite the process.

(05:42)

Coming to the on-site visit, we're going to spend a lot of time on this today, we'll be doing any number of things. We'll be looking at some of that more later on. We'll be discussing these later more, too: The Letter of Findings, that will be the report detailing what we find; the Voluntary Compliance Plan (VCP); and monitoring, but we'll get those three after talking about the on-site.

(06:12)

So, one of the things that I do want to talk about is that compliance is a shared responsibility. Sometimes, I've gone out and have done reviews and this review sits on the CTE administrator/director. What I like to do is make sure that the school division knows that it is a total school division issue. It's not just CTE—there's many other things involved, including the superintendent, including the CTE director, and primarily, you're going to be my contact throughout the review. But also, the director of maintenance/facilities/construction—we do a lot with facility accessibility, so we'll need a main contact there, as well. We look at human resources issues with employment, so the director of human resources is very important. The Title IX coordinator, the 504 coordinator, the directors of Special Education, guidance, and ESL/LEP are very crucial to this process as well. And, naturally, when we go out to the buildings, we're going to be meeting with the principals and the APs, and those folks are very important as well throughout this process.

(07:27)

The scope of the on-site visit—this is what we're going to spend a lot of time looking at today. The Virginia Department of Education's CTE team will come in and we'll be doing a lot of data review before we get there. We'll be looking at information on your Web sites, we'll be looking at policies, in particular your board policies. We'll be conducting interviews with your school administrators, your central office administrators, your counselors at the schools, your teachers, and then the students. And then also, we'll be performing walk-throughs of the schools to determine the level of compliance, particularly in the following categories...

(08:13)

The first big area is program accessibility. We'll be looking at administrative, site location and student eligibility, admission, recruitment, the student financial assistance that your school division provides, career guidance and school counseling, services for students with disabilities (SWD), work-based learning, and employment. Then, we'll be looking at facility accessibility, and we'll be doing that through the walk-throughs. And also, we'll be looking at facility comparability, and I'll explain all of those a bit more later on.

(08:52)

Let's start first with administrative. I'll be looking at the basic procedures you have in place to ensure nondiscrimination. This includes your continuous notice of nondiscrimination, the grievance procedures that are disseminated to the general public, to the students, parents, and staff, so that they know how to report alleged discrimination. Then, there's the annual public notice of nondiscrimination that the CTE director will be handling. And then, there's the designation of a person or persons that will coordinate activities under Title IX, Section 504, and Title II.

And lastly, if there is a language of any community of national origin that is approximately equal to or greater than 5% of the total enrollment, those procedures must also be in that language. Typically, that is done as Spanish, but there might be a few more for other languages as well.

(09:51)

Next is site location and student eligibility. Eligibility criteria for admission to division programs or facilities—we're just making sure that it does not discriminate on the basis of race, color, national origin, sex, or disability. And, we're making sure we provide access to CTE courses to students with disabilities, despite the perceptions that employment opportunities might be more limited for those students. And also, we'll assess students limited in English proficiency on their ability to participate and benefit from the CTE programs.

(10:31)

Next is admission. Admission criteria to CTE programs does not discriminate on the basis of race, color, national origin, sex, or disability. School divisions provide access to CTE courses to students with a disability despite perceptions that employment opportunities may be more limited for those students. They also must assess students with limited English proficiency on their ability to participate in and benefit from CTE programs.

(11:03)

One of the things that I do is compare the demographic data: the school division's CTE students' enrollment demographics to the overall demographics of the school division, and next, the student enrollment demographics for each CTE course to the student demographics of that high school. And what I look to do is see if there's a representative demographic for each group in CTE, and then within each program.

(11:34)

One of the things that I'd like to encourage you to do with this process is to look outside the scope of this review and consider your enrollment for the higher-level mathematics and science courses, and your honors or advanced-placement courses. One of things that you might find you need to do is to go back to middle and elementary school and build that student interest and those skills as they develop, rather than just trying to get them interested in certain programs or activities when they're in high school.

(12:12)

Next would be recruitment. This includes policies, procedures, and/or practices for selecting and using representative recruitment materials to ensure that career and occupational opportunities are not limited on the basis of race, color, national origin, sex, or disability. School divisions should have recruitment plans; brochures and materials with persons of differing races, sexes, and disabilities; and brochures available for students and parents who speak languages other than English. They might have an orientation night that would include all of these recruitment processes, or a parent night where people come in and see different areas that you offer through CTE.

(13:08)

Next would be student financial assistance. We are making sure this information is equitably written and includes the nondiscrimination statement. Assistance may include scholarships, dues, fees, clothing, and transportation. And the other thing I do is look at previous years'

scholarship awards, looking to make sure it's representative of your school division's demographics.

(13:38)

Next is career guidance and school counseling. School divisions must ensure that school counselors do not direct a student to enroll in a particular course or predict a student's likelihood of success based on race, color, national origin, sex, or disability. School counselors may not counsel SWD toward a more restrictive career objective than students without disabilities with similar abilities and interests. They may not counsel students toward gender-specific career choices, and they must be able to effectively communicate with students who have limited English language skills and/or hearing impairments.

(14:23)

And then there's services for students with disabilities. On the basis of disability, a division may not exclude any qualified SWD from any course, course of study, or other part of its educational program or activity. They must provide Free Appropriate Public Education (FAPE). Placement decisions must be made by a knowledgeable group of people who must have understanding of the evaluation and data in those placement options. Particularly, that's going to be the Section 504 team or the Individualized Education Program (IEP) team.

Related instructional aids or services should be available as determined by the IEP or Section 504 team. Academic achievement tests should measure ability and achievement, rather than disability, and SWD must be placed in the educational setting most appropriate for the student's individual needs in the Least Restrictive Environment (LRE).

(15:33)

Work-based learning opportunities are available to all students regardless of race, color, national origin, sex, or disability. We have the Career and Technical Education Work-Based Learning Guide that we put out that's available to look at. The work-training agreements must contain a written assurance of nondiscrimination signed by the employer and school personnel.

(16:00)

Next we'll be looking at employment. Employment practices are conducted without regard to race, color, national origin, sex, or disability of applicants or employees. We do look at the application forms and materials to make sure they're free from prohibited questions concerning disability, marital, or parental status. We make sure the salaries are based on the conditions and responsibilities of employment without regard to race, color, national origin, sex, or disability.

(16:33)

Next is facility compliance. This is a rather big area, but we make sure that the facilities are accessible to individuals with disabilities, making sure that they're not excluded from enjoying the benefits of the school's programs or services.

So, one of the things we need to determine is: What is a facility? Under both Title II of the ADA and Section 504, pretty much all your buildings and structures, your roads and walkways, your parking lots, are all part of that facility. So, in looking at facility compliance, we look at several factors. Essentially, it's when did the construction start? So, each one of those we look at: Readily Accessible, ANSI, UFAS, ADA After 1991, and ADA 2010. We'll be looking at those dates as to when the construction started. And then alternatively, if there's been some sort of substantial alteration to a room, wing, or the whole building, then we'll look at *that* date as the standard instead.

(17:48)

One of the things we look for is making sure that there is signage, particularly to the accessible entrances (the restrooms, the stairwells). As you see, many of these signs are either directional signs, or actually on the entrance.

(18:09)

The next area is parking. We make sure there are required spaces, and we look at the path of travel to make sure that they're appropriate and that students, parents, and the general public have access to the schools.

(18:25)

I want to show you some paths of travel *not* in compliance. These are walkways, ramps... These are pictures I've picked up either on the Internet, or that I've taken myself. On some, the grade of the ramp is just so steep. Some are aesthetically beautiful, yet they forgot to install handrails. Some look more like our schools, but again, they don't have the proper handrails. Some, while helpful, might be inaccessible to a student, parent, or member of the public in a wheelchair who is trying to get up there because the grade is way too steep. But what we see the most often is cracked pavement that makes it impossible for a wheelchair to cross.

(19:11)

Some of the other areas we look at in the schools are drinking fountains. And this drinking fountain is probably inaccessible if it's your only one; however, if there's another high/low drinking fountain next to it, it may not be as bad. These drinking fountains that just stick out in the middle of nowhere, while they may be accessible, for a student who's blind or visually impaired and using a cane, they wouldn't be able to detect that, and they'd walk right into it. That's called a protruding object, so that's not going to be accessible.

Some things have been very helpful for thresholds. If a student in a wheelchair is coming through your door and the threshold of it is too high, there are some commercial products you can use (like in this picture). Seating now is pretty much always having those cut-outs for persons with disabilities, for limited mobility, or for persons in wheelchairs. Same thing with tables—there's usually a cut-out, a spot that the feet can go under.

Hardware is one of the biggest obstacles to look at for persons with disabilities. It has to be operable with a closed fist, like the doorknob that has the level; however, the doorknob with the actual knob, *that* is what is going to be inaccessible.

(20:52)

Next, we go to restrooms. We hear about this a lot. You're looking at the space, at the handrails on the back and the side, and you're looking at the dispensers to make sure they're at the appropriate height. Some restrooms are very narrow, and as long as you have an accessible one, you certainly could have a narrow one, but typically, if that's offered by itself, it's going to be inaccessible. There is a certain height and a reach that we measure for, and the dispensers must be located within that height and reach of 48".

(21:27)

The next thing we look at is facility comparability. What we're doing here is looking at based on... It might be male or female. So, that would be locker rooms and restrooms, or other things. I've been to schools where, and I like to give the example of, the pristine baseball fields that are very nicely manicured with the stadiums. And then, you look at the girls' softball field, and that's on a dirt lot with a backstop and bleachers. So, those would be facility comparability issues for male and female.

Some of the things for students with disabilities might be if the SWD are in a trailer in the back, not located near the restrooms, classrooms, or the cafeteria. That would be a facility comparability issue.

(22:26)

After looking at the on-site issues, what we'll be doing is providing the school division with a Letter of Findings. Essentially, that's a report that's going to be detailing noncompliance issues. We're going to be providing that to the school division within a certain time of the on-site visit.

From that, the school division will be preparing a Voluntary Compliance Plan (VCP), and I'll be assisting with that throughout the process. That's going to be a plan that's detailing the school division's proposed actions to remedy noncompliance issues to be finalized within 90 days of division's receipt of LOF.

And then, of course, we'll be monitoring and following up with the school division to ensure that the completion of the VCP is done. That is a very important part and I like to do that with fidelity to make sure that we're honoring this whole process. Monitoring is a big component of the process.

(23:30)

If you have questions about the Civil Rights Review process, please don't hesitate to call me or contact me, and I will be glad to provide you with either information or technical assistance. Whatever questions you have, I'll be glad to take that time. You see Lolita Hall, our director, her contact information (804-225-2051, CTE@doe.virginia.gov) and George Willcox, our

coordinator (804-225-2052, CTE@doe.virginia.gov). But for any questions pertaining to civil rights, please give me a call or e-mail me (William Hatch: 804-225-2052, CTE@doe.virginia.gov).

(24:08)

To wrap things up, our archive sessions are available on the VDOE Web site on the Professional Development tab.

The session evaluation for this session is available at the following link:

<https://www.surveymonkey.com/r/3GW25M8>

If you would please fill that out, that gives us information we need and can use for future presentations. Thank you for joining us!

(24:32)

(George Willcox speaking)

Bill, thanks for an excellent presentation. I believe that the points you covered with CTE directors across the state will enable them to feel comfortable with this Federal Program Monitoring Process, particularly with the components of the review, the things that we look for. We certainly hope that if directors have questions, that they would give you a call, and also that they would take a couple of minutes to complete the evaluation of this session so that we can utilize that input for the continuous improvement process of these sessions. I'd also like to thank the CTE Resource Center for their support in putting this program together today, as well as Sharon Acuff at the Department of Education. We thank you and hope that everyone will take a couple of minutes to listen to part two of today's program. Thank you very much.