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METHODS OF ADMINISTRATION

Submitted In Compliance With

**VOCATIONAL EDUCATION PROGRAMS
GUIDELINES FOR ELIMINATING DISCRIMINATION
AND DENIAL OF SERVICES ON THE BASIS OF RACE, COLOR
NATIONAL ORIGIN, SEX AND HANDICAP DATED
MARCH 21, 1979
FEDERAL REGISTER**

BY

**ARKANSAS DEPARTMENT OF EDUCATION VOCATIONAL AND TECHNICAL
EDUCATION DIVISION
THREE CAPITOL MALL
LITTLE ROCK, ARKANSAS 72201-1083**

JULY 1, 1990

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FOREWARD

~~The Department of Health, Education and Welfare was directed by the Court decision (Adams v. Califano) to enforce civil rights requirements in vocational education programs through compliance reviews/evaluations, analysis of enrollment data and the issuance of guidelines for applying civil rights regulations to vocational education. An outcome of the Court directive was a requirement that by March 21, 1980, all states and outlying areas (territories) must have completed a document entitled Methods of Administration (MOA). The Office for Civil Rights issued a comprehensive set of Guidelines on March 21, 1979, designed to clarify the application of Vocational Education to:~~

- ~~a. Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin in any program receiving federal financial assistance;~~
- ~~b. Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance;~~
- ~~c. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap in programs and activities receiving federal financial assistance.~~

~~The original Methods of Administration (MOA) for Arkansas was approved on October 6, 1980, by the Office for Civil Rights (OCR). The document herein presented is the second major revision of that MOA.~~

~~The United States Department of Education, Office of Vocational and Adult Education, presently monitors state agencies for compliance with the Carl O. Perkins Vocational Education Act. Under the OCR Guidelines the Arkansas Department of Education will engage in oversight compliance activities supplementary to the responsibilities of the Office for Civil Rights.~~

PART ONE—DEVELOPMENT OF THE METHODS OF ADMINISTRATION (MOA)

1-A. Lead Agencies Responsible for Development of the MOA

~~———The Arkansas State Board of Education is the legal governing body for all state-supported non-collegiate education programs in the state of Arkansas.———The Board is authorized to receive federal education funds and is the "state educational authority" responsible for the development and implementation of the Methods of Administration (MOA) required by the Office for Civil Rights Vocational Education Guidelines for eliminating discrimination and denial of services on the basis of race, color, national origin, sex and handicap, as published in the Federal Register, Wednesday, March 21, 1979.~~

~~———By virtue of the Arkansas Statutes, civil rights responsibilities in postsecondary-collegiate level institutions rest solely with the Arkansas State Board of Higher Education. Therefore, the State Department of Education does not conduct civil rights reviews of institutions under the State Higher Education System.~~

~~———The Arkansas Department of Education is under the governance of the State Board of Education which is composed of nine members.———The State Board of Education performs the legal functions of the State Board of General Education and also that of the State Board of Vocational Education as prescribed by Arkansas statutes.———Both the Director of the General Education Division and the Director of the Vocational and Technical Education Division are employed by the Board to act as agents of the Board and perform such other duties as are assigned by the Board or by statute.——~~

~~———The Vocational and Technical Education Division of the Arkansas Department of Education is the administrative agency for the State Board of Vocational Education and is responsible for developing the MOA for the Board.~~

1-B. Approval of the Methods of Administration

~~The Methods of Administration were reviewed and approved through the following channels:~~

- ~~1. Program Manager, Vocational Evaluations, Vocational and Technical Education Division;~~
- ~~2. Associate Director for Instructional Programs, Vocational and Technical Education Division;~~
- ~~3. Administrator for Personnel, Vocational and Technical Education Division;~~
- ~~4. Associate Director for Vocational Technical Schools, Vocational and Technical Education Division;~~
- ~~5. Associate Director for Support Services, Vocational and Technical Education Division;~~
- ~~6. Supervisor, Sex Equity, Vocational and Technical Education Division;~~
- ~~7. Program Manager, Special Needs Section, Vocational and Technical Education Division;~~
- ~~8. Deputy Director, Adult Education, Vocational and Technical Education Division;~~
- ~~9. Deputy Director, General Services, Vocational and Technical Education Division;~~

- ~~10. Associate Director, Special Education, Division of General Education;~~
- ~~11. Program Support Manager, Equity Assistance Center, Division of General Education;~~
- ~~12. Director, Vocational and Technical Education Division; and~~
- ~~13. Director, Division of General Education.~~

~~Additionally, public input was invited through a public review conducted in compliance with the State's Administrative Procedure Act.~~

~~The State Board of Education approved the MOA on _____, 1990.~~

PART TWO – ORGANIZATION TO MEET CIVIL RIGHTS RESPONSIBILITIES

2-A. Organization of Compliance Activities

~~The Director of the Vocational and Technical Education Division of the Arkansas Department of Education will direct the activities of the Civil Rights Compliance Program. These compliance activities will be coordinated by the Program Manager, Vocational Program Evaluations, who will have responsibility to the Associate Director for Instructional Services.~~

2-B. Personnel Assigned to Implement the Compliance Program

~~_____ The position for coordinating the State Vocational Education Agency's Civil Rights Compliance Program is:~~

~~Program Manager, Vocational Program Evaluations
Vocational and Technical Education Division
Three Capitol Mall
Little Rock, AR 72201-1083~~

~~Expertise and assistance from other agencies and sections of the General Education Division and the Vocational and Technical Education~~

~~Division of the Arkansas Department of Education will be utilized to the maximum extent possible, making the entire undertaking a team effort.~~

~~Professional staff members of both the Vocational and Technical Education and General Education Divisions will serve as evaluation team members in on-site evaluations, and will conduct follow-up monitoring activities.~~

~~Technical assistance and monitoring activities will also be provided by the Special Education section, Equity Assistance Center, and the Instructional section of the General Education Division.~~

~~Other sections and personnel within the Vocational and Technical Education Division will be involved with the implementation of the MOA.~~

Coordination of these activities is the responsibility of the Program Manager for Vocational Evaluations. Specific assignments for involvement with major components of the MOA are outlined below and are described in greater detail throughout the MOA.

Policy Review

A Policy Review Task Force will review policies and procedures administered by the Vocational and Technical Education Division on an on-going basis for compliance with Section II (A) of the OCR Guidelines.

Members of the task force will include:

1. Associate Director, Instructional Programs
2. Associate Director, Vo-Tech Schools
3. Associate Director, Support Services
4. Deputy Director, General Services
5. Deputy Director, Adult Education
6. Associate Director, Vocational Finance
7. Administrator for Personnel
8. Program Manager, Special Needs
9. Program Manager, Vocational Evaluations

PART THREE – REVIEW OF STATE POLICIES AND PROGRAMS

~~As required by Section I I (A) of the Guidelines, the State Education Agency will ensure that its own programs, policies and procedures will be free from discrimination. This will be carried out by an agency review of pol i cies and procedures and be based on the relevant provisions of the Guidelines.~~

3-A. Conduct of the State Policy Review

~~State policies and procedures relating to vocational education will be reviewed in light of the relevant provisions of the guidelines and regulations under Title VI, Title IX, and Section 504. A determination will be made if any of the State policies and procedures conflict with civil rights requirements. Recommendations will be made for amendment of those policies and procedures that are necessary to meet civil rights requirements and a documentation on of change made as a result of the review. The policies and procedures which the Vocational and Technical Education Division, Arkansas Department of Education, will review shall include the following:~~

- ~~_____ 1. the establishment of criteria or formulas for distribution of Federal funds to vocational programs in the State:~~
 - ~~_____ a. the State Plan funding distribution formulas;~~
 - ~~_____ b. policy manuals;~~
 - ~~_____ c. program applications for approval ;~~
 - ~~_____ d. criteria for distributing construction/equipment funds;-~~
 - ~~_____ e. criteria for awarding competitive grants and contracts;~~
 - ~~_____ f. criteria for dissemination of information regarding competitive grants- (RFP) ;~~
- ~~_____~~

- ~~2. the establishment of requirements for admission to vocational education programs operated by the State:~~
 - ~~a. policies concerning priority systems for admission to programs including pre-requisite requirements;~~
 - ~~b. testing programs;~~
- ~~3. the establishment of requirements for the administration of vocational education programs operated by the State:~~
 - ~~a. handbook for administrators of postsecondary vocational technical schools;~~
 - ~~b. State Plan for Vocational Education as it relates to administration;~~
 - ~~c. Affirmative Action Plan;~~
 - ~~d. Standards for Approving Local Vocational Administrator's Positions;~~
- ~~4. the approval of action by local entities providing vocational education:~~
 - ~~a. local plan for vocational education;~~
 - ~~b. annual applications for program approval;~~
 - ~~c. training plan and placement of cooperative students;~~
 - ~~d. student follow-up data;~~
 - ~~e. travel policies for students and/or teachers to state activities;~~
 - ~~f. policy bulletin;~~
 - ~~g. procedures for selection of textbooks and development of materials;~~
 - ~~h. student organization activities;~~

~~5. the conduct of programs operated by the State Education Agency:~~

- ~~_____ a. State Plan for Vocational Education;~~
- ~~_____ b. evaluation instruments;~~
- ~~_____ c. material s utilized by postsecondary schools and other institutions;~~
- ~~_____ d. local plans;~~
- ~~_____ e. student organization bylaws and competitive events program.~~

~~The Office of the State Attorney General provides legal counsel to the State Education Agency and will be available in the review of procedures.~~

3 B. Scheduling the Policy Review

~~When significant changes are made in State policies or procedures that could affect civil rights compliance, the Vocational and Technical Education Division will conduct reviews and report the results in the annual report due by the end of July of each year.~~

3 C. Evaluation of State-operated Institutions and Programs

~~State-operated institutions and programs will be the subject of an agency review and at least one on-site review during the five-year period that this document covers. Methods used for determining which state programs and institutions will be evaluated are outlined in section 4-8-2.~~

PART FOUR—ENSURING COMPLIANCE BY SUBRECIPIENTS

4 A. Agency Level Review

~~An agency level review will be conducted each year for 20 percent of all recipients (including state-operated institutions and programs), that provide vocational education programs and services that directly benefit students. An on-site review will be conducted for 25 percent of those recipients reviewed at the agency level each year. Approximately 326 public school districts, 24 postsecondary state-operated area vocational technical schools, 16 secondary vocational centers, two state-operated schools for the blind and deaf, and two youth services schools comprise the universe for review.~~

~~From the total pool of recipients, those which fall within one or more of the following categories will be omitted from the total pool from which recipients will be selected for an agency level review:~~

~~1. Recipients that received an on-site civil rights compliance review within the previous five (5) years by the Vocational and Technical Education Division;~~

~~2. Recipients that are subjects of pending litigation in Federal or State courts because of alleged discrimination on the basis of race, color, national origin, sex or handicap, or~~

~~3. Recipients that are subjects of pending or recent investigation or enforcement proceedings by OCR. The Vocational and Technical Education Division will also rely on the General Education Division to provide this information.~~

~~Recipients will be selected from the remaining pool for agency level review. The number selected will be equal to 20 percent of all recipients providing vocational education programs and services that directly benefit student. The following factors will be used for selection to reach those institutions most in need of a compliance review at the earliest possible date.~~

~~Recipients will be selected where:~~

- ~~1. there is knowledge of a school's practices that raise potential civil rights compliance problems;~~
- ~~2. written reports are received of alleged noncompliance from complaints filed by parents, students or others; and~~
- ~~3. reports from the Divisions of Vocational and Technical Education and General Education staff that raise questions about potential civil rights compliance problems.~~

~~If the above factors fail to identify 20 percent of the recipients, the remainder will be composed of randomly selected recipients.~~

~~Recipients selected for the agency level review will be notified in writing at least 30 days prior to the start of the review. The notification of an agency level review will describe the reason and authority for the review; contain information on how the review will be conducted; and a timeframe for the estimated completion of the review.~~

~~The agency level review will involve an analysis of numerical data and other pertinent information about the recipients. The analysis is a way of making a threshold determination of whether a recipient is complying with civil rights laws without going on-site.~~

~~———— A profile will be developed for each recipient selected for agency level review. The profile will be composed of the following data and information:~~

~~4-8-1. Data and Sources~~

~~Local Public School Districts~~

~~DATA~~

~~1. Secondary enrollment percentages by racial categories, sex, handicapping conditions, and limited English proficiency for each vocational program offered by the recipient.~~

~~2. Total secondary enrollment percentages by racial categories, sex, handicapping conditions, and limited English proficiency for each school in the district.~~

~~3. Vocational staff by racial categories, sex, handicap and program employed by the recipient.~~

~~Secondary Vocational Centers~~

~~DATA~~

~~1. Secondary enrollment percentages by racial categories, sex, handicapping conditions, and limited English proficiency for each vocational program offered by the recipient.~~

~~2. Secondary enrollment percentages by racial categories, sex, handicapping conditions, and limited English proficiency of each feeder school whose students attend the area vo-tech center.~~

~~3. Postsecondary Area Vocational Schools-~~

~~DATA~~

~~1. Full-time adult enrollment percentages by racial categories sex, handicapping conditions, and limited English proficiency for each program offered by recipient.~~

~~2. Total full-time adult enrollment percentages by racial categories, sex, handicapping conditions, and limited English proficiency by campus site.~~

~~SOURCE~~

~~Student Accounting Systems, Vocational and Technical Education Division~~

~~General Education Division Enrollment File~~

~~Teacher Master File- Vocational and Technical Education Division~~

~~SOURCE~~

~~Student Accounting Systems, Vocational and Technical Education Division~~

~~General Education Enrollment File~~

~~SOURCE~~

~~Student Accounting Systems, Vocational and Technical Education Division~~

~~Student Accounting Systems, Vocational and Technical Education Division~~

~~3. Estimated percentage of adults by racial categories in the district's service area.~~

~~Census Data~~

~~4. Estimated statewide average of handicapped adults.~~

~~Office of Rehabilitation; OHS Services~~

~~5. Vocational staff by racial categories, sex, handicap and program employed by recipient.~~

~~Teacher Master File Vocational and Technical Education Division~~

~~Schools for the Blind and Deaf~~

~~DATA~~

~~SOURCE~~

~~1. Secondary enrollment percentage by racial categories, sex, handicapping conditions, and limited English proficiency for each vocational program offered by recipient.~~

~~Student Accounting System, Vocational and Technical Education Division~~

~~2. Vocational staff by racial categories, sex, handicap and program.~~

~~Teacher Master File System, Vocational and Technical Education Division~~

~~Arkansas Youth Services Schools~~

~~DATA~~

~~1. Full-time enrollment percentages by racial categories, sex, handicapping conditions, and limited English proficiency for each program.~~

~~SOURCE~~

~~Student Accounting System, Vocational and Technical Education Division~~

~~4-B-2. Analysis and Indicators:~~

~~———— The data which are assembled for each recipient will be analyzed to determine if disproportionate enrollments exist with regard to race, sex, handicap, and limited English speaking skills. The percentages of minorities, males, handicapped, and limited English speaking students enrolled in each school district will be calculated from the Division of General Education files. The percentages of minorities, males, handicapped, and limited English speaking students in each vocational program will be calculated from the Student Accounting System files at the~~

~~Vocational and Technical Education Division. The percentages of vocational program enrollees in each of the above mentioned categories will be compared with percentages of total secondary enrollees in the district.~~

~~———— In addition to analyzing data relating to students, an analysis will be made of vocational staff with regard to race, sex, and handicap. Percentages of vocational staff with regard to the categories discussed will be compared to percentages of total student representation in the district.~~

~~———— Other information that may be available for use in the analysis includes: (1) accreditation and evaluation reports of area vocational and technical schools, (2) evaluation reports of vocational center programs, (3) supervisory staff visitation reports, and (4) information from the Equity Assistance Center in the General Education Division.~~

~~———— Several persons in the Vocational and Technical Education Division will assist in analyzing the data and information to target those recipients that appear to have the highest indicators of possible discrimination, which will be used for selecting recipients for on-site reviews. The Educational Equity Coordinator will be asked to review the data to determine indicators of discrimination with regard to sex. The State Supervisor of Special/Needs Programs will be asked to review the data to determine indicators of discrimination with regard to handicap. The Program Manager for Vocational Evaluations will analyze the data to determine indicators of discrimination with regard to race. Recipients that exhibit indicators of discrimination will be flagged for possible on-site reviews. The Vocational and Technical Education Division will report to OCR in the annual report whether or not it secures corrective actions~~

~~from subrecipients which exhibit compliance problems or clear and present violations at the agency level review, but which are not scheduled for an on-site review.~~

~~———— The recipients selected for on-site reviews will be those that, after reviewing the data relating to race, sex, handicap, and limited English speaking skills, have the highest number of indicators of possible noncompliance with civil rights regulations.~~

~~4-8-3. Selection and Notification of Recipients for On-Site Review~~

~~———— If the indicators fail to identify 25% for on-site reviews, the balance will be made up of randomly selected institutions from the total pool of those reviewed at the agency level in that year.~~

~~———— At the conclusion of the agency level review, recipients will be notified of the results. The notification will identify one of three possible results:~~

~~———— 1. The agency level review revealed no violations; therefore, there will be no on-site review by the Vocational and Technical Education Division. However, the recipient has ongoing responsibilities for compliance and may be reviewed by the Office of Civil Rights during the year. Also, technical assistance is available upon request from the Vocational and Technical Education Division.~~

~~———— 2. The agency level review revealed no apparent violations, but in order to comply with the minimum number of reviews required, the recipient will receive an on-site review.~~

~~3. The agency level review revealed some possible compliance violations and these specific problem areas, as well as a general review of the recipient's operations, will be the subject of an on-site review. The list of possible violations will be included in the notification.~~

~~All recipients selected for an on-site review will receive notification at least 30 days prior to the on-site review. The notification will also include an explanation of the on-site review process.~~

~~4-B-4. On-Site Review~~

~~In Arkansas during FY 1990, there were 329 public school districts, 16 secondary vocational centers, 24 state-operated postsecondary area vocational technical schools, two schools for the blind and deaf, and two youth services schools receiving Federal funds and offering vocational education programs for a total of 373 recipients. The number of recipients receiving agency level reviews and on-site reviews will vary from year to year depending upon the actual number of recipients. Once recipients have been selected for on-site reviews, a schedule will be developed identifying recipients and the on-site review dates for each. All on-site visits will include team members from the Vocational and Technical Education Division staff. The General Education Division will be contacted and invited to participate in the review. The Vocational and Technical Education Division will conduct, inservice training sessions for all on-site team members prior to on-site reviews. Team members will be selected based on their knowledge and experience with civil rights regulations; specifically, Title VI, Title IX, and Section 504.~~

~~_____ The on-site review will examine and verify those issues raised by the agency-level review. A review of additional compliance areas or issues not targeted by the agency-level review will be addressed only when deemed necessary due to information received on-site such as:~~

- ~~_____ 1. Discriminatory faculty assignments;~~
- ~~_____ 2. Failure to provide access for handicapped students to programs;~~
- ~~_____ 3. Procedures used for notifying the public of the subrecipient's nondiscriminatory policies and practices;~~
- ~~_____ 4. Numerical limitations for admission of students to vocational education centers or programs;~~
- ~~_____ 5. Programs for students with limited English skills.~~

~~_____ A plan will be outlined prior to each on-site review based on the specific findings of the agency-level review. The plan will identify:~~

- ~~_____ 1. Problems identified during the agency-level review.~~
- ~~_____ 2. Issues related to the problems (drawn from the guidelines).~~
- ~~_____ 3. Questions for on-site interviews.~~
- ~~_____ 4. A list of data and documents to be reviewed and/or collected on-site.~~

~~_____ On-site techniques will primarily include interviews, observations and review, and collection of data and documents. The nature of the review will determine who is interviewed and the data to be reviewed.~~

4 B-5. Notification of Findings of On-Site Review

~~At the conclusion of the on-site visit, a determination will be made on whether the finding(s) reported violate Title VI, Title IX, or Section 504.~~

~~Notification of the findings of an on-site review will be made in writing to the recipient with a copy to the Office for Civil Rights and the General Education Division when its schools are involved.~~

~~The notification will state that either:~~

- ~~1. No violations have been found (with a reminder of the recipient's continuing civil rights obligations and a statement that OCR may still wish to review the recipient); or~~
- ~~2. Violations have been found and the recipient will be given an opportunity to discuss the violations with the Vocational and Technical Education Division and to submit a plan to remedy the violations voluntarily.~~

~~_____ The notification will also outline how the Vocational and Technical Education Division can assist the recipient to come into compliance.~~

4-B-6. Timetable

~~_____ Subject to change based on need, the following schedule for evaluations has been adopted by the State Education Agency for planning purposes:~~

~~_____ July: _____ verify schedule of schools to be evaluated; complete and forward annual _____ OCR report.~~

~~_____ August: _____ selection of team leaders for on-site evaluations.~~

~~_____ September: _____ subrecipients to be evaluated will be notified; inservice training for team _____ leaders~~

~~_____ November-June: evaluations will be conducted and subrecipients notified of any apparent _____ violation findings.~~

4-C. Technical Assistance Program

~~Both Divisions of General and Vocational and Technical Education will provide technical assistance to recipients upon request to prevent, identify, or remedy discrimination.~~

~~_____ The Vocational and Technical Education Division will annually notify all recipients offering vocational education of the availability of technical assistance. This will also be transmitted again to recipients in the following communications:~~

- ~~1. _____ Notification of Agency Level Review;~~
- ~~2. _____ Notification of Agency Level Review Findings and On-Site Reviews;~~
- ~~3. _____ Notification of On-Site Review Findings; and~~
- ~~4. _____ State Administrators' Meetings.~~

~~_____ The kinds of technical assistance that will be offered will depend on the specific needs of the institution and will be planned around those needs. Examples of areas for which assistance can be provided include:~~

- ~~_____ 1. _____ Access and admission requirements;~~
- ~~_____ 2. _____ Counseling and recruiting methods;~~
- ~~_____ 3. _____ Curriculum and instructional materials;~~
- ~~_____ 4. _____ Serving handicapped students;~~
- ~~_____ 5. _____ Architectural barriers;~~
- ~~_____ 6. _____ Student assignment/placement;~~
- ~~_____ 7. _____ Testing procedures/assessment; and~~
- ~~_____ 8. _____ Referral to other agencies and resources providing needed assistance.~~

~~Technical assistance will be administered through written correspondence, telephone conversations, visits to local schools, meetings, and inservice training workshops. All requests for assistance will be responded to in the most appropriate and timely manner possible.~~

~~_____ The extent or amount of time that can be provided for technical assistance will be determined based on the need of the recipient.~~

4-D.1. Voluntary Compliance Plan.

~~———— If the compliance problems uncovered in the on-site review are minor, the Vocational and Technical Education Division will request the recipients to describe in writing the corrective measures and their implementation to the Vocational and Technical Education Division for approval.~~

~~———— If the problems are extensive, the Vocational and Technical Education Division will provide the recipients the opportunity to discuss the problems with state agency personnel.~~

~~———— A formal meeting will be scheduled at a designated time and location agreed to by all parties. Persons present will include representatives of the recipients, the Program Manager for Vocational Evaluations for the Vocational and Technical Education Division, and other Vo Tech personnel appropriate to the specific problems and needs of the recipient. General Education Division personnel will also be invited when their schools are involved.~~

~~———— The recipient will be requested to prepare a compliance plan outlining corrective measures and a timeframe for implementing them. The plan will be submitted to the Vocational and Technical Education Division for approval no later than 60 days after the Vocational and Technical Education Division notifies the recipient of the findings of noncompliance.~~

~~———— Monitoring compliance plans on the secondary and postsecondary levels will be on a continuing basis by the Vocational and Technical Education Division program supervisors and area supervisors during program visitations and evaluations. Monitoring efforts will be based on copies of evaluation reports and correspondence with subrecipients concerning potential OCR violations and compliance plans submitted by subrecipients.~~

~~—— In addition, the responsibility of compliance monitoring of postsecondary programs will be extended to the Associate Director for Vocational Schools. The Equity Assistance section of the General Education Division will also be furnished copies of all Letters of Finding (LOF) and will be asked to assist in monitoring activities. The Special Education Section of the General Education Division will be furnished copies of all LOFs citing apparent or potential violations concerning handicapped students and will assist in monitoring.~~

4-D-2. Components of the Compliance Plan

~~An adequate compliance plan must:~~

- ~~1. Describe corrective actions to be taken to resolve each problem;~~
- ~~2. Include a specific timeframe for taking actions and coming to compliance; and~~
- ~~3. Describe any requested technical assistance needed.~~

4-D-3. State's Responsibility to Report Noncompliance to OCR

~~The Vocational and Technical Education Division will notify the Regional Office of Civil Rights in the following circumstances:~~

- ~~1. If the institution fails to submit its voluntary compliance plan to take corrective action to remedy violations found during the on-site review, the Vocational and Technical Education Division will notify OCR as soon as it determines that it cannot secure voluntary compliance, but no later than 90 days after the Vocational and Technical Education Division issues its on-site review notification findings.~~

- ~~2. If the institution submits a plan that is inadequate but is working in good faith to remedy the plan's deficiencies, the Vocational and Technical Education Division will notify OCR no later than 120 days after the Vocational and Technical Education Division issues its on-site review notification of findings~~

PART FIVE—REPORTING TO THE OFFICE FOR CIVIL RIGHTS

~~The Vocational and Technical Education Division will compile each fiscal year (July 1—June 30) a report of its MOA activities and findings. The report will be submitted by the end of July to the Regional office for Civil Rights in Dallas, Texas. The following illustrates the report format to be used and describes the content areas to be included in the report:~~

1. Compliance Organization and Staff

~~This section will report any modification regarding staff authority, personnel assignment, or organizational structure of the compliance program.~~

2. State Policy Review

~~Action of the Policy Review Task Force will be reported in the Annual Report.~~

3. Review of State Operated Institutions and Programs

~~The review of policies and procedures relating to institutions and programs operated by the Vocational and Technical Education Division will be conducted during the Policy Review described in Part III. These findings and any actions taken as a result of the review will be reported in the Annual Report. Findings of Reviews of recipients operated by the Vocational and Technical Education Division that receive an on-site review will be included in the Annual Report.~~

4. Recipients Receiving Agency Level Reviews

~~All recipients reviewed at the agency level will be reported in the Annual Report. The Annual Report will also list any changes in procedures, data sources, or analysis described in the MOA.~~

5. Identification of Recipients for On-Site Reviews

~~A report of all recipients receiving on-site reviews will be included in the Annual Report along with a copy of each voluntary compliance plan entered into with a subrecipient.~~

6. Technical Assistance Provided

~~The Annual Report will list recipients requesting technical assistance together with a summary of technical assistance provided.~~

7. Recipients Referred to OCR

~~The Annual Report will include a list of recipients referred to OCR as a result of failing to take measures to achieve voluntary compliance.~~

8. Monitoring Activities

~~The Annual Report will describe the activities the Arkansas Department of Education has taken to monitor and ensure that corrective action has been taken by recipients found to have compliance problems.~~

APPENDIX A

DEFINITION OF TERMS

AGENCY LEVEL REVIEW	An audit or review of subrecipients' data and documents to determine compliance with civil rights laws
COMPLIANCE PLAN	A written plan required of subrecipients who are found to have actual or potential compliance violations of civil rights requirements after an evaluation. Plan must include steps to remedy areas of discrimination.
COMPLIANCE REVIEW	A program review/evaluation conducted by the State Education Agency to determine areas of discrimination.
DISPROPORTIONATE IMPACT	All persons treated the same, but the rule or procedure applied has a greater impact on one group than on another. The policy may be neutral on its face, and may not be motivated by a discriminatory intent, but, nevertheless, it produces a discriminatory outcome.
DISPARATE TREATMENT	An individual who is a member of a protected group is treated less favorable than a similarly situated individual of a different group, or two groups are treated differently under similar circumstances.
EVALUATION GUIDELINES	See "COMPLIANCE REVIEW" and "ON-SITE REVIEW". Office for Civil Rights regulations outlining recipients responsibilities in carrying out its civil rights obligations in regard to vocational education.

~~GED~~ _____ ~~General Education Division, Arkansas~~ _____
_____ ~~Department of Education~~

~~LEA~~ _____ ~~Local Education Agency~~

~~MOA~~ _____ ~~Methods of Administration of Office for~~ _____
_____ ~~Civil Rights Guidelines~~

~~OCR~~ _____ ~~Office for Civil Rights~~

~~ON-SITE REVIEW/EVALUATION~~ _____ ~~A field audit or evaluation of subrecipients'~~ _____
_____ ~~facilities, policies, procedures, and data to~~ _____
_____ ~~determine compliance with civil rights laws.~~

~~PROCEDURAL REQUIREMENTS~~ _____ ~~Outlined by the regulations implementing~~ _____
_____ ~~Title VI, Title IX and Section 504. Failure to~~ _____
_____ ~~comply with these procedures by~~ _____
_____ ~~subrecipients is an actionable violation.~~

PROTECTED CLASS	That group in vocational education programs in which there is significant underrepresentation on the basis of race, color, national origin, sex, or handicap.
RECIPIENT	Any State or political subdivision, or any public or private agency, institution, organization, or any individual in any State, to whom Federal financial assistance is extended directly or through another recipient for any program or activity.
SEA	State Education Agency
SECTION 504 Rehabilitation Act of 1973	Prohibits discrimination on the basis of handicap in any education program receiving federal financial assistance.
SUBRECIPIENT	Vocational programs receiving Federal vocational funds through the Arkansas Vocational and Technical Division of the Department of Education. These consist of secondary vocational education programs operated by public school districts and postsecondary vocational technical (state-operated) institutions.
TECHNICAL ASSISTANCE	Assistance provided by the State to help subrecipients examine their current programs for possible civil rights violations or to plan future programs that are free from discrimination.
TITLE VI, Civil Rights Act of 1964	Prohibits discrimination on the basis of race in educational programs receiving federal financial assistance.
TITLE IX, Educational Amendments of 1972	Prohibits discrimination on the basis of sex in educational programs receiving federal financial assistance.
VTED	Vocational and Technical Education Division, Arkansas Department of Education.

~~APPENDIX B~~

~~Vocational & Technical Education Division~~

~~Arkansas Department of Education~~

~~Organizational Chart~~

~~GOVERNOR~~

~~STATE BOARD OF~~

~~VOCATIONAL EDUCATION~~

~~VOCATIONAL EDUCATION~~

~~STATE COUNCIL ON~~

~~ADMINISTRATIVE SERVICES~~

~~Executive Assistant to Director Information Center Public Relations Data and Word Processing~~

~~DIRECTOR VOCATIONAL AND~~

~~TECHNICAL EDUCATION DIVISION~~

~~DEPUTY DIRECTOR
ADULT EDUCATION
Coordinator, Adult Education
Supervisors, Adult Education~~

~~DEPUTY DIRECTOR
GENERAL SERVICES~~

~~DEPUTY DIRECTOR INDUSTRY
TRAINING~~

~~Training Project Managers~~

~~ASSOCIATE DIRECTOR
VOCATIONAL FINANCE~~

~~Internal Svcs. Mgr.~~

~~Accounting Supervisors~~

~~ASSOCIATE DIRECTOR
INSTRUCTIONAL PROGRAMS~~

~~Agriculture Ed Home~~

~~Economics Ed~~

~~Business & Marketing Ed Health~~

~~Occup. & GCE Career Orientation~~

~~Special Needs~~

~~Technical Education Vocational~~

~~Evaluations Basic Skills Dropout Prev.~~

~~Curriculum Specialists~~

~~Trade and Trade and Industrial Ed~~

~~Plumbing Apprenticeship~~

~~Personnel Section~~

~~Surplus Property~~

~~Equip. Maint. &
Dist. Center~~

~~ASSOCIATE DIRECTOR VO-
TECH SCHOOLS~~

~~Postsecondary Vo-Tech Schools~~

~~Vocational Centers (sec.) Vo-Tech~~

~~Prog. Supervisors Industrial~~

~~Coordinators~~

~~Exemplary Section (JTPA)~~

~~Media Implementation Center~~

~~ASSOCIATE DIRECTOR
SUPPORT SERVICES~~

~~Higher Education Services Veterans~~

~~Approving Agency Vocational Equity~~

~~Single Parent/Displaced Homemaker Program~~

~~Program Analyst Program~~

~~Improvement/
Adult Training & Retraining~~

~~Inservice Training~~

~~Counseling~~

~~Approved
State Board of
Vocational Education
January 8, 1990~~

APPENDIX C

Key Procedural* Requirements	Title VI	Title IX	Section 504	Guidelines
1. Filing assurances of compliance	100.4	106.4	104.5	
a) assuring that sub-contractors do likewise		106.17	104.22 (e)	VII (A), (B)
2. Notice to existing and potential program beneficiaries	100.6	106.9	104.8 ** 104.32	IV (0)
3. Designation of Coordinator		106.8 (a)	104.7 (a)	
4. Adoption of Grievance Procedure		106.8 (b)	104.7 (b)	
5. Preparation of a Self-evaluation		106.3 (C), (d)	104.6 (e)	
6. Preparation of a Transition Plan		106.17 106.2 (r)	104.22 (e)	
7. Record keeping	100.6	106.3 (d)	104.6 (e)(2) 104.22 (e)	
8. Methods of Administration	100.4 (a), (b), (c) Appendix B, IIA, B, C			II (C)

* Those obligations applicable to all recipients regardless of whether "unlawful discrimination" has been found to exist. Failure to meet any of those obligations is, by itself, an actionable violation.

** Specific to elementary/secondary schools.