

The background of the slide features a large, faint, circular seal of the United States Department of Education. The seal contains an eagle with wings spread, holding an olive branch and arrows, with a shield on its chest. The text "DEPARTMENT OF EDUCATION" is arched across the top, and "UNITED STATES OF AMERICA" is arched across the bottom, separated by a small star.

Methods of Administration (MOA) & Memorandum of Procedures (MOP)



Office for Civil Rights (OCR) and Office of Career, Technical, and Adult Education (OCTAE) jointly issued an updated Memorandum of Procedures (MOP) for State agencies responsible for the administration of CTE to use in developing the “methods of administration and related procedures” they will follow in carrying out their civil rights obligations under the existing regulatory MOA guidelines.



The new document will supersede and replace the prior Memorandum of Procedures issued in July 1979 and all subsequent “Dear Colleague” letters.

Purpose

- New MOP continues OCR's and OCTAE's commitment and ongoing efforts to ensure that all students, regardless of race, color, national origin, sex, or disability, have equitable access and opportunities to succeed in CTE programs.
- Goal is to encourage state agencies to harmonize and leverage civil rights compliance activities under the MOA Guidelines with equity and civil rights activities under the Perkins Act.



Background

- Since the issuance of the 1979 MOA Guidelines and subsequent “Dear Colleague” letters, there have been significant changes to the equity and civil rights provisions of the Perkins Act, and how the civil rights requirements might apply to the implementation of that legislation.



Background

- Perkins III and Perkins IV required that States described in their State plans, program strategies for “special populations”, including how students would be provided with equal access to activities and would not be discriminated against on the basis of their status as members of special populations.
- Both statutes required States to set aside a portion of their State leadership funds, between \$60,000 and \$150,000, for services that prepared individuals for nontraditional training and employment.



Background

- In July 2018, Congress enacted Perkins V. In addition to maintaining Perkins III and IV provisions, Perkins V ushered in a new level of civil rights accountability for CTE programs. The new Perkins V provisions include:
 - Adding homeless individuals, foster care youth, and youth with a parent in active military duty;
 - Requiring States to make funds available for the recruitment of special populations;
 - Requiring local recipients to conduct a comprehensive local needs assessment, which includes an evaluation of the performance for special populations and subgroups.



Background

- Through revisions to the Perkins program, civil rights has become a key element of Perkins administration. At the same time, State agencies have continued to run MOA programs containing parallel but different requirements pursuant to the 1979 MOP.
- Given the scope and depth of changes that the Perkins statutes have caused in State and local practices to ensure access and success for all students in CTE programs, it is fitting that the Department's MOP be updated to reconcile the civil rights work pursuant to both the Perkins and MOA programs.

MOP is based on the following objectives:

- Aligning MOA and Perkins management systems, so that Perkins administration and civil rights administration are better aligned, and more effective
- Increasing civil rights technical assistance to facilitate voluntary compliance.
- Utilizing existing data gathered and reported under the Perkins statute for civil rights compliance determination and technical assistance.
- Ensuring the continuing State role in partnership with the OCR in protecting the civil rights of all CTE students consistent with the requirements of the MOA program.



MOP objectives

- Under the *Methods of Administration*, State agencies are required, as before, to produce a plan documenting their methods of administration for the civil rights program required by 34 CFR Part 100, Appendix B Sec. II.B.
- MOP clarifies process and provides examples of how a state could meet the requirements



Memorandum of Procedures 2020

- The Memorandum of Procedures format described is designed to help satisfy the requirements of the MOA Guidelines (34 CFR Part 100, Appendix B), and in particular Section II.B of those Guidelines which outlines the necessary elements a state agency plan to “prevent, identify and remedy discrimination on the basis of race, color, national origin, sex or handicap” in institutions that offer CTE programs.



What should go in the plan?

- Introductory information
- Plan for performing oversight responsibilities
- Technical assistance to subrecipients



Introductory Information

- Describe the process by which the MOA was developed. It is recommended that this section respond to the following general questions:
 - Which State agency was responsible for developing the MOA?
 - Which State agencies other than the lead agency participated in the development of the MOA?
 - Which advisory groups were involved and to what extent?



Plan for performing oversight

Address *Section II(B) of the Guidelines* to ensure that its subrecipients are complying with the civil rights laws.

The State agency responsible for the administration of vocational education programs must adopt a compliance program to prevent, identify and remedy discrimination on the basis of race, color, national origin, sex or handicap by its subrecipients. (A "subrecipient," in this context, is a local agency or vocational education center that receives financial assistance through a State agency.)



Plan for performing oversight

- Procedures for identifying potential discrimination through review of data and subrecipient monitoring, if necessary, as well as procedures for addressing voluntary corrective action with subrecipients who are found to be discriminating.



Plan for performing oversight

- Plans for collecting and analyzing civil rights related data and information that subrecipients compile for their own purposes or that are submitted to State and Federal officials under existing authorities.
- Recommended that States include data collected under Perkins V, Section 113(b)(3)(C) (Accountability - State Report) and Section 134 (Local Application and Comprehensive Needs Assessment), in addition to the data comparing total institutional enrollment to CTE enrollment by race, sex, and disability, to perform these oversight responsibilities.



Plan for performing oversight

- Describe the processes and procedures the State will implement to conduct periodic compliance reviews of selected subrecipients.
- States are encouraged to build the compliance reviews into existing systems (for example: CTE program approval processes, Consolidated Annual Report preparations and analysis, and Perkins V monitoring), and to target for review those subrecipients with the greatest potential for civil rights noncompliance.



Plan for performing oversight

- Describe the processes and procedures that will be followed upon finding unlawful discrimination. This section should include the process for notifying the subrecipient of steps it should take to attain compliance and processes the State agency will follow in attempting to obtain voluntary compliance. In addition, this section should include the process states will use to engage OCR in compliance and enforcement activities.



Technical Assistance for Subrecipients

- Highlight the role of the State agency in working with subrecipients to provide technical assistance to prevent, detect, and correct discrimination in career and technical education programs.



How do we report to the Department?

- While not a required element of a State MOA plan, the *Guidelines* require each State agency to periodically report on its activities. The Department expects each State agency to submit a civil rights compliance report to OCR and OCTAE as a narrative attachment in the State's Consolidated Annual Report for Perkins V every second year - i.e., biennially.



What should be in the report?

- The staff resources allocated by the State agency to the MOA compliance program during each year of the reporting period;
- A description of the State agency's compliance with Section II(A) of the *Guidelines* (relating to distribution of funds, admissions and administration, approval of local entity action, and conducting State-run programs).
- A list of the subrecipients for which the State conducted compliance reviews;
- Copies of any written findings or compliance plans issued to any subrecipient; and
- A description of the technical assistance services that were offered to subrecipients to address gaps in access and success for CTE students in CTE programs.

Invited element for reporting

- A statement discussing which Federal civil rights resources were found to be helpful in carrying out the State's MOA work, and comments on any Federal resources that should be developed, revised, improved, or eliminated for the benefit of State agencies in the administration of CTE.



Timeline

- States should follow this guidance in creating MOA plans to be submitted to the Department by July 1, 2020 and to take effect within one year. Subsequent updates will be required from each state in even numbered years.



Questions?

