



Methods of Administration

STATE PLAN

District of Columbia

Revised July 1, 2020



**Office of the State Superintendent of Education
Postsecondary and Career Education Division
Career and Technical Education Department**

Muriel Bowser

Mayor, District of Columbia

Paul Kihn

Deputy Mayor for Education, District of Columbia

Hanseul Kang

State Superintendent of Education

Antoinette Mitchell, Ph.D.

Assistant Superintendent, Postsecondary and Career Education

Kilin Boardman-Schroyer

Deputy Assistant Superintendent, Postsecondary and Career Education

Richard W. Kincaid

State Director, Career and Technical Education

Joseph Green

Coordinator, Methods of Administration





Table of Contents

Overview: Methods of Administration.....	04
Introduction.....	04
Plan for Performing Oversight Responsibilities.....	06
Selection Criteria.....	10
Follow-Up Procedures.....	12
Technical Assistance for Subrecipients.....	13
Reporting to the Department.....	14



OVERVIEW: METHODS OF ADMINISTRATION

The purpose of the Methods of Administration (MOA) program is to ensure that all students, regardless of race, color, national origin, sex, or disability, have equal access to high-quality career and technical education programs. Through its Methods of Administration authority, the Office of Civil Rights (OCR) at the United States Department of Education oversees the civil rights compliance programs of state agencies that administer career and technical education.

In the District of Columbia, the Office of the State Superintendent of Education (OSSE) coordinates the MOA program as stipulated in the *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs* of the Title VI regulation, the Section 504 regulation, and the Title IX regulation. These responsibilities include: conducting targeted compliance reviews of selected secondary and postsecondary schools that provide career and technical education; securing corrective action when civil rights violations are found; and periodically reporting civil rights activities and findings to OCR.

This MOA State Plan for the District of Columbia provides the framework, processes, and procedures associated with the administration of OCR requirements for schools operating within the District of Columbia.

INTRODUCTION

On February 6, 2020, the United States Department of Education (USDE) issued a Methods of Procedure memorandum to State CTE Departments throughout the country. Under this MOP, USDE acknowledged the need to provide clarity to the public regarding existing requirements under the law, and provide an opportunity for states to align state and local policies and practices to ensure access and success for all students in CTE programs. This is accomplished by focusing on these objectives:

- Ensuring the continuing OSSE role in partnership with OCR in protecting the civil rights of all CTE students consistent with the requirements of the MOA program;
- Alignment of OSSE MOA and Perkins management systems, so that Perkins civil rights administration and MOA civil rights administration can be harmonized, better aligned, and more effective overall;
- Improving civil rights technical assistance to CTE subrecipients in order to better facilitate voluntary compliance;
- Using existing data gathered and reported under the Perkins statute for civil rights oversight and technical assistance; and,
- Strengthening OSSE's use of the OCR enforcement network and complaint resolution resources.

Describe the process by which the Methods of Administration (MOA) Plan was developed.

In order to fully meet the requirements and objectives of the MOA requirements, the OSSE CTE team conducted a landscape analysis of existing documents, processes, procedures, and statutory requirements to determine the practices currently deployed within the District of Columbia. The primary review consisted of the following resources:

State Plans

- District of Columbia's CTE State Plan under the *Strengthening Career and Technical Education for the 21st Century Act* (Perkins V); and,
- Workforce Innovation and Opportunity Act (WIOA) State Plan

Federal Laws and Guidance

- Title VI of the Civil Rights Act of 1964 (P.L. 88-352; 42 U.S.C. § 2000d et seq), as amended, and the U.S. Department of Education’s implementing regulations at 34 CFR Part 100;
- Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112; 29 U.S.C. § 701 et seq) and the U.S. Department of Education’s implementing regulations at 34 CFR Part 104;
- Title IX of the Education Amendments of 1972 (P.L., 92-318; 20 U.S.C. § 1681 et seq), as amended, and the U.S. Department of Education’s implementing regulations at 34 CFR Part 106; Title II of the Americans with Disabilities Act of 1990 (P.L. 101-336; 42 U.S.C. § 12101 et seq), as amended and the U.S. Department of Justice’s implementing regulations at 28 CFR Part 35;
- “Strengthening Career and Technical Education for the 21st Century Act” effective July 31, 2018 (PL 115-224; 132 Stat 1563), which amended the “Carl D. Perkins Career and Technical Education Act of 2006” (20 U.S.C. § 2301 et seq.);
- The Individuals with Disabilities Education Act (IDEA) (P.L. 101-476; 20 U.S.C. § 1400 et seq), as amended, and the U.S. Department of Education’s implementing regulations at 34 CFR Part 300;
- Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Educational Programs (MOA Guidelines) (34 CFR Part 100, Appendix B); and,
- U.S. Department of Education, Office for Civil Rights and Office of Career, Technical, and Adult Education guidance.

Local Laws and Guidance

- Disability Services Reform Amendment Act of 2018, (D.C. Law 22-93, D.C. Official Code § 7-2131 et seq)
- Special Education Students Rights Act of 2014, (D.C. Law, 20-194; DC Official Code 38-2571.01 et seq)
- Chapter E30 (Special Education) of Title 5 (Education) of the District of Columbia Municipal Regulations.

Agency Reports

- Distance Learning Resource Guide for Local Education Agencies (LEAs), OSSE’s Division of Teaching and Learning
- The OSSE 2019-2023 Strategic Plan
- Students with Disabilities in the District of Columbia, Landscape Analysis, OSSE OSSE 2019 Biennial Report and 2017 and 2019 Targeting Plans
- Labor Market Information Gap Analysis, OSSE
- Status Reports from OSSE’s Secondary Transition Community of Practice Committee, an interagency network of the District’s private and government agencies that address secondary and career transition service options for students with disabilities.

A review of OSSE’s 2019 Biennial Report contained OSSE’s MOA monitoring framework and the patterns where LEA non-compliance was high. A review of the 2017 and 2019 targeting plans also noted material changes in disproportional enrollment data disaggregated by race, sex, ethnic origin and disability.

Additionally, OSSE noted in its 2019 Students with Disabilities in D.C. landscape analysis that the general enrollment rates of students with disabilities has increased over the past three years, and stood at 18% for the 2017-18 school year, or 3% over the national average. Because Washington DC’s subrecipients include a significant proportion of students who fall into the special population category, special attention will be given towards tracking data that identifies evidence of any potentially disproportional enrollment rates among

special populations pursuing CTE programs of study that lead to high-wage and in high demand careers or in non-traditional careers in the District, especially students with disabilities.

Which State agency was the lead agency for developing this MOA plan?

The Office of the State Superintendent of Education is the lead agency for the development of the MOA plan and all aspects of technical assistance, monitoring, and reporting.

Which State agencies other than the lead agency participated in the development of this MOA plan?

Stakeholders are a valuable resource in the development of any State Plan. For the MOA State Plan, OSSE engaged members from a number of internal and external stakeholders. Stakeholders from State Agencies outside of OSSE included:

- DC Department of Employment Services.
- DC Public Charter School Board
- DC Public Schools, Office of Policy;
- DC Public Schools, Office of Compliance; and,

Which advisory groups or stakeholders were involved and to what extent?

OSSE asked several advisory and stakeholder groups to provide content for, and review of, the MOA State Plan, including:

- The OSSE Division of Teaching and Learning hosts a Special Education Community of Practice, which is a consortium of 15 local government and non-profit leaders. In addition to discussing special populations and supports for instructional staff, some of the Community of Practice members were invited to review and add suggestions or modifications to the MOA State Plan, paying particular attention to the underrepresentation of students with disabilities in CTE programs.

PLAN FOR PERFORMING OVERSIGHT RESPONSIBILITIES

This subpart of the MOA plan is intended to set out in sufficient detail the State agency's plans for fulfilling its obligations under Section II(B) of the Guidelines to ensure that its subrecipients are complying with the civil rights laws.

In order to ensure consistency in the application of all MOA compliance processes and procedures, the OSSE MOA Coordinator will facilitate all Agency-level MOA reviews. As such, the MOA Coordinator, pursuant to the obligations noted under Section II(B) of the Guidelines, will follow a sequential process, as follows:

Revising the Targeting Plan

Going forward, OSSE/CTE will not prepare a Targeting Plan, but will continue to use the data enrollment formula to prioritize subrecipients that show high disparities between general and CTE enrollment rates by race, gender, ethnic origin, and disability.

Planning Process for the Agency-Level Reviews: Defining Subrecipients and Establishing Review Methods

The universe of subrecipients subject to an MOA review is all recipients who receive financial assistance from the U.S. Department of Education that offer one or more State-approved CTE program of study. A program of study, according to Perkins V, and articulated in the CTE State Plan for the District of Columbia, is defined as:

A coordinated, non-duplicative sequence of academic and technical content at the secondary and postsecondary level that:

- a) Incorporates challenging State academic standards;
- b) Addresses both academic and technical knowledge and skills, including employability skills;

- c) Is aligned with the needs of industries in the economy of the State, region, Tribal community, or local area;
- d) Progresses in specificity (beginning with all aspects of an industry or career cluster and leading to more occupation-specific instruction);
- e) Has multiple entry and exit points that incorporate credentialing; and,
- f) Culminates in the attainment of a recognized postsecondary credential.

In order to identify the LEA and IHE entities offering CTE programs of study, as defined in this section, the MOA Coordinator will review all Perkins V subrecipients and note the schools listed on public any and all public venues and websites within DC Public Schools, the District of Columbia Public Charter School Board’s (DCPCSB) website, the District of Columbia Career Academy Network (DC CAN) member rosters, and any other information provided to the public or to OSSE through any and all normal means.

Agency-Level Review Process for Subrecipients

OSSE’s 2019 Targeting Plan was submitted to OCR on September 1, 2019, and approved by OCR in November 2019. The purpose of the Targeting Plan was to create a selection process and to identify LEAs with the greatest potential for civil rights noncompliance during 2020-21 and 2021-22 school years.

Once the sites are identified, those with the highest potential for noncompliance are ranked by according to the highest data disparities between the general population and CTE participants/concentrators by site, and then aggregated by gender, race, ethnic origin, and IDEA classification. Additionally, schools are tracked and ranked based upon the year of their last MOA visit to ensure equitable monitoring and site visitation schedules.

Timetable Procedures for Conducting the Agency-Level Review

Notification to Subrecipients

For LEA sites selected for review, OSSE’s MOA Coordinator will notify the subrecipient of an on-site review by September of each year. OSSE will prioritize the MOA review of schools with a higher rating score using the selection criteria formula.

Approximately 30-60 days prior to the on-site review, the MOA coordinator will meet with the LEA point of contact (POC) to ensure the LEA administrator understands his/her role and an agenda of the review methods. At this meeting, LEA POC should offer the MOA Coordinator with specific dates the MOA review can be held.

Approximately 4 weeks prior to the MOA review, the MOA Coordinator will provide the LEA POC with documentation to help the sub-recipient prepare for the review. Once on-site visit dates are established, the MOA coordinator will also prepare the following documentation, and will create an on-site visit schedule agenda.

As a part of the planning process, the LEA POC will:

- Allow time in the schedule for the OSSE team to complete required security check-in;
- Allow time in schedule for a brief meeting with the school principal(s) and the OSSE team for introductions and an overview of the on-site visit;
- Allow time in schedule for transitioning between schools if more than one school is to be visited in one day; and,
- Establish appropriate communication procedures for addressing a voluntary corrective action plan, should one become necessary.

As a part of the site visit, the LEA Site Administrator (or designee) will:

- Participate in the entirety of the MOA visit;
- Participate in the Facility Accessibility walkthrough, with the school's facility director;
- Participate in the CTE Program walkthrough – with the appropriate CTE Administrator;
- Reserve location(s) for interviews at each school to be visited;
- Reserve a location (small conference room or office) for the OSSE team members to use and meet during the on-site visit; and,
- Reserve a location for an exit interview at the conclusion of the on-site visit(s).

Review Structure, Process, and Procedure

Desk Review

During the desk review process, the MOA Coordinator may review any and all of the following data and resources, including but not limited to:

- Enrollment data (school-wide and CTE);
- All federally-reported demographics (schoolwide and CTE);
- CTE admission requirements and programming;
- Websites (site and district);
- Staff demographics, including compensation;
- Policy and procedures manuals (staff and parents/students);
- Student and staff recruitment materials (including applications);
- Work-based learning materials and applications; and,
- Information provided on buildings and grounds to determine accessibility standards.

Onsite Interviews

As a part of the MOA review process, employees and students could be requested to participate in interviews concerning equity and access to programs within the LEA and/or site. Interviews might include:

- Central office personnel;
- Building facilities administration;
- CTE teaching staff;
- Section 504 Coordinator(s) and/or specialists;
- English Language and LEP staff, including administrative and site coordinator personnel;
- Guidance and career transition/counselors;
- Special Education staff; and,
- CTE students.

Every effort should be made, when possible, to schedule group interviews. This helps to increase the efficiency of the monitoring visit and helps to ensure minimal overall impact to the work and instructional day. As a result, groups should be arranged according to similar job function and using the guidance below:

Division Level Interviews

Potential Attendees: English Learner (EL) Director, Special Education Director, School Counselor Director, Section 504 Coordinator, Title IX Coordinator, CTE Administrator, and Human Resources Director.

School Level Interviews

Potential Employee Attendees: Section 504 lead, special education lead, English language learner lead, guidance and/or career counselor, and Principal/CTE Administrator.

Teacher Interview: Preferably conducted in a group setting, but can be individual if necessary due to class coverage availability. (Please determine this in advance so it can be taken into consideration when preparing the schedule.)

Student Interviews: Conducted in a group setting. Representative sample of CTE students should be chosen, including representation of all CTE programs offered, the various grade levels, and reflective of the school's overall demographics.

Facilities Access Review

During the Facilities Access review process, the MOA Coordinator will examine all aspects of the built environment to determine the LEA/IHE's compliance with accessibility requirements for students with disabilities.

Pursuant to Section 504, LEA districts have a responsibility to ensure equitable access to instructional facilities for all students. In the case of students with a physical disability or mobility impairment, facilities must be measured in accordance with ADA standards such that the student can enter a building or room without assistance from others. Buildings and areas are to be accessible even though there may not be any students or employees with disabilities at the present time. Students with limited auditory capacity must be responsible for securing their own devices, but the LEA must have capacity to provide sign language or other accommodations to support the students' listening devices. Since all programs and services are to be accessible for all students, districts should consider activities where patrons (e.g., parents and community persons) and employees with mobility impairments may be denied access because of architectural barriers. If they are inaccessible, all districts should note that students, who are temporarily disabled from time to time, and persons with mobility impairments (i.e., parents, grandparents) may avoid district programs or services.

Title II and Section 504 MOA review requires a facility accessibility review to ensure program accessibility for all buildings, but in some cases, the Title II laws alone may apply. However, any building built or renovated after 1977 must meet the modified required standards of accessibility. The standards that determine accessibility will vary depending on the date of the facility's construction and/or renovation as shown in the table below. It is important for a district to understand its responsibility to ensure that architects and contractors are aware of the need to remove architectural barriers to provide access to all stakeholders.

- If facilities (or parts of facilities) commenced construction/alteration before June 4, 1977, programs must be readily accessible according to Section 504.
- If facilities (or parts of facilities) commenced construction/alteration between June 4, 1977 and January 17, 1991, they must be compliant with the American National Standards Institution, or ANSI standards.
- If facilities commenced construction/alteration after January 17, 1991 – January 27, 1992, they must comply with the Uniform Federal Accessibility Standards, or UFAS;
- If facilities commenced construction/alteration after January 27, 1992 – September 15, 2010, they must comply with the 1991 ADA Standards or UFAS;
- If facilities commenced construction/alteration after September 15, 2010 – March 15, 2012, they must comply with the 1991 ADA Standards or UFAS or 2010 ADA Standards; and
- If facilities commenced construction/alteration after March 15, 2012, they must comply with the 2010 ADA Standards.

Exit Interview and Post-Visit Follow-up

After the interviews and facility review, the MOA coordinator may hold a division exit interview at the end of the on-site visit with the school principal for a debrief. For the post visit follow up, the LEA POC is expected to provide any additional, missing or inadequate data identified during on-site visit to OSSE in a timely manner. Within 30 days after the MOA review, the Letter of Findings (LOF) will be sent to the LEA administrator (superintendent, chancellor, head of school or his/her designee.)

If the subrecipient is in agreement with the findings made in the LOF, the MOA coordinator will send out the Voluntary Compliance Plan (VCP) and request the subrecipient to provide dates and person(s) responsible for items of noncompliance. When the VCP is completed, both the MOA coordinator and LEA administrator will sign and submit the fully executed agreement. The subrecipient will follow up with the findings of noncompliance, which are detailed in the VCP and submit evidence of completion to OSSE.

Post On-Site Review

Letter of Findings

School divisions will receive a written draft Letter of Findings (LOF) containing findings, recommendations, and commendations within 30 calendar days following the review. The LOF will cover the following OCR areas for review that are required pursuant to the Guidelines for Vocational Education School divisions have 30 calendar days to review and respond to the draft LOF. If there are no questions, the MOA coordinator will notify the LEA's acceptance of the report as written. If there are questions, technical assistance will be provided. If no response is received from the division, the draft report will become final after 30 calendar days.

Voluntary Compliance Plan

If the development of the Voluntary Compliance Plan (VCP) occurs on schedule, the finalized VCP should be submitted to OSSE a maximum of 30 calendar days from the date of the final LOF.

Letter of Closure: Upon receipt of the documentation that supports the successful completion of the entire VCP, a letter of closure of the civil rights review will be sent to the LEA Chief Administrator.

SELECTION CRITERIA

Describe the State agency's 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.

OSSE collects student enrollment data from its State Longitudinal Education Data (SLED) warehouse. OSSE derives civil rights related data and information from this student enrollment data, and analyses it in the following manner to determine, in part, the subrecipient monitoring rankings:

Disability

Comparison of the percentage of total students with disabilities enrolled in the school and the percentage of students with disabilities enrolled in CTE programs in the school. The positive disparity percentage points indicate more students with disabilities in CTE classes in proportion to those students with disabilities enrolled at the school.

Percentage points per difference	Number of points
5 to 10	0
0 to 4	2
-5 to -1	4
-1 to -6	6
-6 to -10	8

Sex/Gender

Comparison of the percentage of total female students enrolled in the school and the percentage of female students enrolled in CTE programs in the school. This is a more heavily weighted factor based on the importance of encouraging men and women to enter non-traditional career roles such as men entering health care professions and women entering automotive repair professions. The positive disparity percentage points indicate more female students in non-traditional CTE classes in proportion to those female students enrolled at the school.

Percentage points per difference	Number of points
5 to 10	0
0 to 4	2
-5 to -1	4
-1 to -6	6
-6 to -10	8

Race

Comparison of the percentage of total minority (non-Caucasian) students in the school and the percentage of minority students enrolled in CTE programs in the school. The positive disparity percentage points indicate more minority students in CTE classes in proportion to those minority students enrolled at the school.

Percentage points per difference	Number of points
0 to 1	2
-5 to -1	4
-25 to -4	8

Date of Last Visit

The number of years since the last MOA on-site review. The date of the last civil rights review visit to each sub-recipient is scored based on time elapsed. Points are assigned based on the date of the last on-site review, with longer periods of time assigned more points. The premise is that the longer it has been since an on-site review, the more likely it is that policies and procedures do not follow legislative intent. The maximum points possible for length of time since last visit are 5.

Percentage points per difference	Number of points
0 to 3 years	0
4 to 6 years	1
7 to 9 years	3
10 years or longer	5

Limited English Proficiency/English Language Learners

Comparison of the percentage of total LEP/ELL students enrolled in the school and the percentage of LEP/ELL students enrolled in CTE programs in the school. The positive disparity percentage points indicate more LEP/ELL students in CTE classes in proportion to those LEP/ELL students enrolled at the school.

Percentage points per difference	Number of points
5 to 10	0
0 to 4	4
-5 to -1	6
-10 to -4	8
-15 to -11	10

Special Populations (SP)

Comparison of the percentage of total enrollment that is SP compared to the percentage of enrollment in CTE that is SP. The maximum points possible for SP disparity are 5.

Percentage points per difference	Number of points
0 to 3	0
4 to 6	1
7 to 9	3
10	5

Special Populations in WBL

Comparison of the percentage of the CTE special population concentrator enrollment to the percentage of the special population concentrator enrollment who have participated in WBL programs (indicator 5S3, noted as data collected under Perkins V, Section 113(b)(3) as a performance indication in OSSE's Perkins V State Plan).

Note: Beginning in 2021, a data marker on WBL performance will be assigned to Institutions of Higher Learning.

Percentage points per difference	Number of points
0 to 3	0
4 to 6	1
7 to 9	3
10	5

FOLLOW-UP PROCEDURES

Describe the processes and procedures that will be followed up upon finding unlawful discrimination. States are encouraged to build the compliance reviews into existing systems (examples: CTE program approval processes, Consolidated Annual Report preparations and analysis, and Perkins V monitoring), and to target for review those recipients with the greatest potential for civil rights noncompliance. It is recommended that this part of the MOA plan describe the procedures the State agency will follow to comply with the requirements set forth in Section II (B) 2 of the Guidelines:

Conducting periodic compliance reviews of selected subrecipients (i.e., an investigation of a subrecipient to determine whether it engages in unlawful discrimination in any aspect of its program); upon finding unlawful discrimination, notifying the subrecipient of steps it must take to attain compliance and attempting to obtain voluntary compliance.

OSSE will work in partnership with LEAs and UDC-CC to ensure all non-compliance items are addressed and remedied on a mutually-agreed timeframe.

The notification process includes the following notification steps:

- Within 30 days after OSSE completes an MOA review, the letter of findings (LOF) will notify the chief LEA administrator of key findings out of compliance.
- Each finding will reference the federal code Guidelines, which indicates how the subrecipient can meet compliance standards.

If the LEA/IHE agrees to the findings noted in the LOF, OSSE will send out a Voluntary Compliance Plan (VCP), or an outlay of finding that includes the following information:

- Issue Area
- Specific Corrective Action to be Completed
- Responsible Party
- Target Completion Date

Reporting Compliance to OSSE

The LEA is expected to read, sign and return the VCP to the LEA within 30 days. Although there is no deadline for the corrective action to be completed, OSSE expects the LEA to explain on the VCP corrective actions that take more than one calendar year. In cases where the LEA practices unlawful discrimination, OSSE will offer technical assistance and/or professional development training to the LEA.

If the LEA is in non-agreement with any of the findings, the OSSE General Counsel will provide legal guidance to OSSE for remedy to determine disputed items that are in compliance or non-compliance.

If the LEA fails to meet corrective actions within 90 days, OSSE will consult with seek legal guidance to determine next steps. Next steps may include the issuance of a letter to the LEA indicating that further inaction to remedy non-compliance items could result further action from USED OCR for deferment, and/or termination of all federal financial assistance.

TECHNICAL ASSISTANCE FOR SUBRECIPIENTS

How does the State plan to conduct outreach to subrecipients?

Every school year, there will be two MOA reviews. OSSE will outreach to subrecipients chosen for MOA reviews at least three months prior to when the MOA is scheduled. These notifications will begin in September, or approximately one month after the new school year begins. Outreach will be coordinated through emails to the LEA chief administrator attached with an official letter from OSSE. In the letter, a summary of OSSE's roles and responsibilities to conduct an MOA will be outlined in accordance to the 1979 Guidelines for Vocational Programs. The letter will also outline the MOA review process and will include a Manual on Equity, which provides the selection criteria, a detailed examination and checklist items to be reviewed to assess whether unlawful discriminatory practices exists.

In accordance with Perkins V Guidelines, OSSE also hosts monthly LEA administrator meetings, and at these meetings, LEA administrators will also be informed about anticipated MOA reviews. LEAs will be given an open forum to ask questions, request clarifications or to give updates on changes and policy on non-discriminatory practices.

Every week, OSSE publishes and sends an online newsletter for LEAs entitled, "LEA Look Forward." These newsletters offers important announcements, professional development. learning and grant opportunities, opportunities for students and families and important dates for upcoming events. When technical assistance is offered to subrecipients, announcements will be made in the LEA Look Forward newsletter.

How does the State plan to offer technical assistance?

OSSE will offer technical assistance by email and phone upon requests by LEAs. OSSE will also notify LEAs of content-specific professional development trainings offered at OSSE, which might include:

- Updates on federal and District civil rights laws
- Policies and District initiatives to address secondary and career transitions for students with disabilities
- Updates on work-based learning standards, online and instructional/learning aid initiatives for equal access to work-based learning
- Professional Development opportunities for career and guidance counselors

Each year, OSSE will also provide a series of quarterly PDs that focus on equity and inclusion—specifically, issues that continue to challenge the LEAs/IHEs (ACTE had several experts that might be useful to bring in for training).

More intentionally use data from student surveys or interviews to inform corrective action plans; and Research strategies that other states, with similar demographics, are using to provide TA to prevent or correct the practice of unlawful discrimination.

Provide opportunities for subrecipients to provide technical assistance to prevent, detect, and correct dissemination (discrimination?) in career and technical education programs?

OSSE encourages LEAs and IHE's (UDC-CC) to provide compliance training for all of its subrecipients. OSSE is tentatively scheduled to host a three day professional development training in conjunction with LEA administrators for all District CTE teachers in August 2020, so that instructors can learn and share civil rights compliance issues. Sessions will also include topics on accessibility and the work-based learning framework and online instructional support tools available at all schools with CTE approved programs.

Request technical assistance to improve equal access to CTE based on race, color, national origin, sex or disability?

OSSE will evaluate past MOA reviews and VCPs to note any patterns or changes of unlawful discriminatory practices which is not limited to failure to post annual and continuous notices, grievance procedures and accessibility for students with disabilities, and will share the results of these findings to offer TA assistance to subrecipients where needed or requested.

How will the State use federal (OCR) and other resources to support its technical assistance efforts as set forth in Section II (B) 3 of the Guidelines. (Providing technical assistance upon request to recipients includes assisting subrecipients to identify unlawful discrimination and instructing them in remedies for and prevention of such discrimination.)

OSSE will seek out support from OCR and the MOA State Coordinators to investigate and share instances where unlawful discrimination practices are founded and "grey areas" for non-regulatory guidance. Technical assistance will be set aside prior to MOA visits, post-MOA visits, and follow up reviews pending closure of findings that have been remedied. During the MOA process, the technical support training will help empower LEAs to note and self-police modifications in non-discriminatory policies and procedures that may change in its intent or scope.

REPORTING 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. Additionally, 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. (Note: The OSSE Biennial Report is not due until December 31, 2021, but the following information provides an outline and approach towards its development.)

The report is to include:

The subrecipients that have been found to be in possible noncompliance

The 2019-2021 Biennial Report will include findings noted at schools that had an MOA review between July 1, 2019 – June 30, 2021. Those schools will be listed in this report by name, type of MOA review (desk, interview, facility review or combination), status of VCP completion, and the verification method to ensure these findings were remedied.

The steps the State agency to bring each subrecipient into compliance

The 2019-2021 Biennial Report will note the technical assistance that was offered, and any subsequent steps the subrecipient will take to bring the noted findings into compliance. OSSE will also provide technical

assistance for all subrecipients once a year to review modified policies and procedures, and this activity will also be noted in the 2019-2021 Biennial Report.

State Program Monitoring

In addition to the MOA monitoring outlined above, to ensure subrecipients comply with OSSE expectations, OSSE will monitor programs for compliance under the Perkins V guidelines. Annually, each subrecipient will receive a report for each of the performance measures for the core indicators of performance, and the designated state performance measures for program quality. These reports will include current year performance, trend data, and state comparison points. Each recipient will be required to provide an analysis of CTE special population student performance and specific improvement efforts as a part of the annual local application. If the 90 percent performance target is consistently not achieved for the same indicator over time, OSSE may take steps to ensure appropriate subrecipient response and intervention, including:

- Year 1: Desk audits and required spending targets for affected areas. OSSE technical assistance may be required.
- Year 2: Desk audit (with the option of an on-site audit), required spending targets for affected areas, and required interventions (such as professional development or staff supports) for affected areas. These interventions may require a comprehensive corrective action plan negotiated with OSSE.
- Year 3: On-site audit, required spending targets for affected areas, and required interventions (such as professional development or staff supports) for affected areas. These interventions will require a comprehensive corrective action plan negotiated with OSSE.

If, through the annual review process, data indicate a dramatic underperformance of any state-determined performance level (including performance disaggregated by special population sub-groups), or underperformance across several state-determined performance levels, OSSE may choose to elevate the associated risk level, conduct an on-site monitoring visit, and mandate spending targets/interventions sooner than outlined above.

It is recommended that the Biennial Report contain the following:

The staff resources allocated by the State agency to the MOA compliance program during each year of the reporting period;

For the 2019-2021 Biennial Report, the 2,080 person-hours/year will be used as the basis for measuring one full time equivalent employee, or FTE. The biennial report will note the time spent toward MOA activities as a percentage of FTE for each individual.

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)

OSSE will review its policies and procedures to ensure it does not require, approve of, or engage in any discrimination or denial of services on the basis of race, color, national origin, sex, or handicap in the following areas: (1) establishment of criteria or formulas for distribution of Federal or District funds to vocational education programs in the District; (2) establishment of requirements for admission to or requirements for the administration of vocational education programs; (3) approval of action by local entities providing vocational education; and (4) conducting its own programs. OSSE will include the results of this review in its Biennial Report. Note that in 2020 and going forward, the MOA site reviews and procedures will be aligned with the Perkins V monitoring reviews, and may be subject to more congruent compliance regulations.

A list of the subrecipients for which the State conducted compliance reviews;

OSSE will provide a list of subrecipients for which the State has conducted compliance reviews during the 2019-2021 reporting period.

Copies of any written findings or compliance plans issued to any subrecipient;

The LOF and VCP reports conducted through the 2019-2021 school years will be appended to the 2019-2021 Biennial Report.

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.

OSSE is committed to ensuring that DCPS and all the other local education agencies within the District of Columbia are provided with on-going technical assistance and support towards enabling them to attain and maintain compliance. OSSE will conduct follow-up and technical assistance, at a minimum once a year. OSSE's technical assistance efforts will be described and evaluated in the 2019-2021 Biennial Report.

Comments on any Federal resources that should be developed, revised, improved or eliminated for the benefit of State agencies in the administration of CTE

Any changes, modifications to enforcement regulations noted by OCR should be supported through a face-to-face or virtual, on-line technical assistance meeting with DC subrecipients.