

OFFICE OF CHIEF ACADEMIC OFFICER
Summary of State Board of Education Agenda Items
Consent Agenda
August 27, 2020

OFFICE OF CAREER AND TECHNICAL EDUCATION

A. Action: Approval of the Methods of Administration (MOA) Plan

Background Information: The U.S. Department of Education's Office for Civil Rights and Office of Career, Technical, and Adult Education issued an updated *Memorandum of Procedures* on February 6, 2020, for state agencies responsible for the administration of career and technical education (CTE) to use in developing their *Methods of Administration* Plans. The Methods of Administration Plan details how the state agency will carry out its civil rights obligations under Appendix B of the *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs*. The MDE staff worked on the plan with the Mississippi Community College Board. The plan is coming to the Board this month for initial adoption and approval to implement a 30-day comment period. The final plan is required to be submitted to the U.S. Department of Education's Office for Civil Rights in October 2020.

Recommendation: Approval

Back-up material attached

**MISSISSIPPI DEPARTMENT OF EDUCATION
METHODS OF ADMINISTRATION PLAN
FOR COMPLYING WITH
CIVIL RIGHTS REQUIREMENTS
IN VOCATIONAL EDUCATION PROGRAMS
JULY 2020**

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SECTION I: INTRODUCTORY INFORMATION

The Mississippi Department of Education (MDE) adopted this Methods of Administration (MOA) Plan (“Plan”) to fulfill its obligations under the *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs*, 34 C.F.R. § Pt. 100, App. B(II)(B) (*MOA Guidelines*). The 1980 Plan is updated having considered the U.S. Department of Education’s (USED) Office for Civil Rights (OCR) and Office of Career, Technical, and Adult Education (OCTAE) *Memorandum of Procedures for Methods of Administration* (February 6, 2020). The Plan documents the MDE’s MOA procedures for performing oversight responsibilities to ensure its subrecipients of federal funds for Career and Technical Education (CTE) Programs are in compliance with the requirements in the *MOA Guidelines*.

1A. Development of the Methods of Administration Plan

The development process included: 1) reviewing guidance provided in the *Memorandum of Procedures for Methods of Administration* (February 6, 2020); 2) collaboration with the Mississippi Community College Board (MCCB); and 3) updating the MDE’s 1980 MOA Plan to ensure content in this revised MOA Plan is consistent with the State’s obligations under the *MOA Guidelines*.

1B. Approval of the Methods of Administration Plan

Prior to submission of the updated MOA Plan to the USED’s OCR, the MDE employed a four-stage review and comment process for Plan adoption by the Mississippi State Board of Education (SBE). The approval process included: 1) review of the proposed plan by the MCCB; 2) review of the proposed plan by five MDE Offices; 3) a 30-day public comment period; and 4) adoption of the plan by the Mississippi SBE.

SECTION II: PLAN FOR PERFORMING OVERSIGHT RESPONSIBILITIES

The oversight responsibilities have been designed to include:

- i. Collection and analysis of civil rights data and information.
- ii. Periodic compliance reviews of select subrecipients.
- iii. Technical assistance to subrecipients on request, to include assisting subrecipients to identify unlawful discrimination and instructing them in remedies for and prevention of such discrimination.
- iv. The reporting of periodic activities and findings as required by the MOA *Guidelines*, (reports submitted to the USED OCR).

2A. Organization of Compliance Activities

The MDE Office of CTE (OCTE) is the primary administrative entity that will direct the activities of the MOA compliance program. The MDE OCTE will coordinate all compliance monitoring activities and will collaborate with the MCCB for compliance reviews of post-secondary subrecipients. To the extent required by the MOA *Guidelines*, the MDE OCTE is responsible for adopting and implementing a compliance program to prevent, identify and remedy discrimination on the basis of race, color, national origin, sex, or disability by its subrecipients.

2B. Personnel Assigned to Implement the MOA Compliance Program

The official title for the position designated to direct the MDE MOA Compliance Program is "MOA Coordinator." This position is administratively structured within the Bureau of Compliance and Reporting in the MDE OCTE. The person serving in the position reports to the Director for Compliance and Reporting. The MOA Coordinator will coordinate implementation of the compliance program to prevent, identify, and remedy discrimination on the basis of race, color, national origin, sex, or disability by subrecipients receiving financial assistance through the MDE OCTE.

There are four CTE staffers with responsibilities related to implementing the MOA compliance program.

The contact information for the MOA Coordinator is:

CTE Auditing Lead
Post Office Box 771
Jackson, Mississippi 39205
Phone #: 601-359-3974

2C. Processes and Procedures to Conduct Compliance Reviews of Selected Subrecipients

Compliance reviews will be conducted annually for secondary and post-secondary subrecipients to prevent, identify, and remedy discrimination on the basis of race, color, national origin, sex, or disability in CTE programs pursuant to the MOA *Guidelines*. Section 2D contains the compliance review processes and procedures for secondary subrecipients and Section 2E contains the compliance review processes and procedures for post-secondary subrecipients. The universe for compliance reviews for secondary subrecipients is CTE two-year pathway programs that lead to program completion. The universe for compliance reviews for post-secondary subrecipients is all 15 Mississippi community/junior colleges.

2D. Compliance Review Processes and Procedures for Secondary Subrecipients

The compliance review for secondary subrecipients has four components: 1) the agency level review; 2) selection of subrecipients for desk audits and on-site reviews; 3) desk audits; and 4) on-site reviews.

Secondary Subrecipients Compliance Review Timetable

The projected compliance review timetable for secondary subrecipients is as follows:

Secondary Subrecipients MOA Compliance Review Timetable	
March	Data and information collected for agency level review
April	Agency level review conducted and secondary subrecipients identified for desk audits and on-site reviews
June/July	Notification to secondary subrecipients of desk audits and on-site reviews
August/September	Desk audits conducted and additional data or information requested
October	Start of on-site reviews

Secondary Subrecipients Agency Level Reviews

An agency level review will be conducted for all CTE two-year pathway programs that lead to program completion. Possible violations by subrecipients can be gleaned from a review of data and information.

The agency level review will include Civil Rights data and information related to:

- i. Subrecipient's enrollment by disability, race, and sex.
- ii. Subrecipient's number of years since the last on-site review.
- iii. Evidence of discrimination or the potential for civil rights non-compliance.

Data Collection for Compliance Reviews for Secondary Subrecipients

In conducting the compliance review for secondary subrecipients, the MDE will use the Mississippi Student Information System (MSIS) as its primary source of data collection. Other data and information used in the compliance review may be obtained from:

- i. Reports or information submitted to the MDE of possible noncompliance from complaints by parents, students, civil rights groups, or others.
- ii. Reports submitted to the MDE from state civil rights agencies or state advisory committees that raise questions about potential civil rights compliance problems.
- iii. Information or reports submitted to the MDE from the OCR that indicate possible compliance problems.

Data Analysis for Compliance Reviews for Secondary Subrecipients

The data and information collected for the compliance review for secondary subrecipients will be analyzed to determine the following:

- i. The percentage of subrecipient's enrollment in CTE programs by disability compared to the percentage of subrecipient's overall enrollment based on disability.
- ii. The percentage of subrecipient's enrollment in CTE programs by race compared to the percentage of subrecipient's overall enrollment based on race.

- iii. The percentage of subrecipient's enrollment in CTE programs by sex compared to the percentage of subrecipient's overall enrollment based on sex.
- iv. Date of each secondary subrecipient's last on-site review.
- v. Programs with evidence of discrimination or programs exhibiting potential risk for civil rights non-compliance including: reports or information submitted to MDE of possible noncompliance based on complaints by parents, students, civil rights groups, or others; reports submitted to MDE from state civil rights agencies, or state advisory committees that raise questions about potential civil rights compliance problems; and reports or information submitted to MDE from the Office of Civil Rights that indicate possible compliance problems.

Selection of Secondary Subrecipients for Desk Audits and On-site Reviews

The agency level review of data and information which describes the subrecipient's operations and programs will assist the MDE OCTE to gain an overall idea of whether a subrecipient is meeting its civil rights obligations.

Four secondary subrecipients will be selected for desk audits and on-site reviews annually. The agency level review has a point rating scale from which secondary subrecipients will be score-ranked. The MDE OCTE will conduct desk audits and on-site reviews for the four secondary subrecipients identified with the highest scores. If there is an equal ranking among secondary subrecipients, priority will be assigned based on the date of the last on-site review.

Secondary subrecipients that fall within one or more of the following categories will be omitted from consideration for desk audits and on-site reviews:

- i. Those that have undergone a review, are the subject of pending recent investigations or enforcement proceedings by the OCR within the five-year period immediately past by the OCR.
- ii. Those that are the subject of pending litigation in federal or state courts because of alleged discrimination on the basis of race, color, national origin, sex, or disability.

Notification of Commencement of Compliance Review for Secondary Subrecipients

The MDE OCTE will notify the secondary subrecipient that it has been selected for a compliance review at least 30 days prior to the start of the review. The notice will indicate that the MDE OCTE will conduct a desk audit and on-site review for the specific problem areas, as well a general review of the entire program. The notice will contain a list of the possible violations identified; information on how the desk audit and on-site review will be conducted; and a request for additional, relevant documentation or information, if needed.

Desk Audits for Secondary Subrecipients

The MDE OCTE will conduct a desk audit for the four selected secondary subrecipients. During the desk audit, all findings highlighted by the agency level review will be verified. The same method will be used for all desk audits. The desk audit will include:

- i. Analysis of website and publications.
- ii. Analysis of secondary subrecipient policies.
- iii. Interviews.
- iv. Surveys.
- v. Analysis of enrollment data.
- vi. Analysis of relevant items in previous compliance review reports.
- vii. Analysis of complaints by parents, students, civil rights groups, or others; and information provided in reports from civil rights agencies.

The desk audit will expand on the agency level review and will analyze data and information for the following indicators:

- i. CTE programs in which enrollment in work-based learning activities are exclusively or disproportionately of one race or sex or a large or small proportion of students with disabilities.
- ii. CTE programs in which there is significant under-representation or over-representation of faculty or staff on the basis of race, sex, or disability.
- iii. CTE Programs in which minority students are denied eligibility to attend a career and technical center because they do not reside within its service area; however, they reside closer to the center than eligible non-minority students living within the service area.

- iv. CTE programs in which enrollment indicates that predominately non-minority students are offered broader curriculum and better career opportunities in comparison to minority students.
- v. Criteria for admission to CTE programs where admission depends on such considerations as past academic performance, record of disciplinary infractions, counselor's approval, teacher's recommendations, interest inventories, high school diplomas, or standardized tests.
- vi. Relationships with unions or other agencies providing training.
- vii. Special provisions or programs for students with disabilities.
- viii. Certification assistance for students.
- ix. Failure to provide access for all students to programs.
- x. Procedures for notifying the public of nondiscriminatory policies and practices.
- xi. Numerical limitations for admission of students to CTE programs.
- xii. Failure to use instructional and reference materials that are free of evidence of sex bias.

On-site Reviews for Secondary Subrecipients

When conducting the on-site review, the MDE OCTE will pursue lines of inquiry to determine whether a problem identified during the agency level review or desk audit is the result of unlawful discrimination or other factors. The MDE OCTE will use the following techniques to conduct the on-site review. The same techniques will be used for all on-site reviews.

- i. Interviews of faculty, staff, students and others (if needed).
- ii. Review of documentation obtained on-site.
- iii. Review of documentation provided in response to MDE request.
- iv. Facility review.

The MDE OCTE will assemble a team for the on-site review. Team members will be assigned specific areas to review. The MOA Coordinator will work with the team to develop a monitoring plan prior to conducting the visit. The plan will incorporate at least these areas of inquiry: 1) examination of the potential problem areas identified in the agency level review and desk audit; and 2) review of additional areas when determined necessary. The team will conduct both an entrance and exit interview with the secondary subrecipient.

After the on-site review is completed, team members will report the findings in writing to the MOA Coordinator. A determination will be made as to whether the findings in the compliance review appear to indicate that the subrecipient engages in unlawful discrimination in any aspect of its program.

Notification of Findings for Secondary Subrecipients

At the conclusion of the compliance review, the MDE OCTE will send a written notice of findings to the secondary subrecipient. The notice will apprise the subrecipient of the following:

- i. An indication of whether violations were substantiated.
- ii. The opportunity to discuss the violations with the MDE.
- iii. Voluntary corrective actions.
- iv. The availability of technical assistance.
- v. The subrecipient's requirement of continuing civil rights obligations.

Attempting to Obtain Voluntary Compliance Plans from Secondary Subrecipients

When the compliance review indicates that a secondary subrecipient is found to be in violation of civil rights guidelines in any aspect of the local program, such subrecipient must agree to take steps to eliminate the violations. The secondary subrecipient will be provided 60 days to submit to the MDE a voluntary compliance plan which describes in detail the steps it will take to eliminate the violations and the time frame for implementing them. The MDE will notify the secondary subrecipient within 30 days of receipt of the voluntary compliance plan whether the voluntary compliance plan is acceptable. If the plan is not acceptable, it will result in continued request for corrective measures until an acceptable plan is provided to the MDE.

Prior to submission of the voluntary compliance plan by the secondary subrecipient, the MDE and the secondary subrecipient will discuss the issues to be addressed in the plan and will concur on the measures to be taken and the extent of technical assistance needed. The MOA Coordinator will work closely with the secondary subrecipient in the development of their voluntary compliance plan.

The secondary subrecipient can request a conference within 30 days of

receiving the notice of findings to discuss the findings. Once the secondary subrecipient has developed and submitted an acceptable voluntary compliance plan, the MDE MOA staff will continue to be active in providing technical assistance and monitoring the secondary subrecipient to ensure that violations are corrected. Technical assistance and monitoring activities will be documented.

The format for the voluntary compliance plan will include a restatement of each violation; information the secondary subrecipient may wish to state in disagreement with the findings, and a statement as to the corrective action planned for eliminating each violation.

The MOA Coordinator will submit a written report annually to the CTE State Director detailing: the results of the agency level review; the names of the subrecipients for which desk audits and on-site reviews were conducted and the results; the status of voluntary compliance plans; monitoring activities; and technical assistance provided.

2E. Compliance Review Processes and Procedures for Post-secondary Subrecipients

MCCB staff will conduct the compliance review for post-secondary subrecipients. The compliance review for post-secondary subrecipients has four components: 1) the agency level review; 2) desk audits; 3) the selection of post-secondary subrecipients for on-site reviews; and 4) on-site reviews.

Post-secondary Subrecipients Compliance Review Timetable

The projected compliance review timetable for post-secondary subrecipients is as follows:

Post-secondary Subrecipients MOA Compliance Review Timetable	
March	Data and information collected for agency level review
April	Agency level review conducted
July	MCCB staff conduct desk audits
September	Colleges receive notification of MOA review and on-site review
October	Start of on-site reviews

Post-secondary Subrecipients Agency Level Reviews

An agency level review will be conducted annually for all fifteen public community/junior colleges. Possible violations by subrecipients can be gleaned from a review of data and information. During the agency level review MCCB staff will evaluate the following:

- i. Websites for compliance requirements.
- ii. Student enrollment data by population (race, sex, LEP, etc.).
- iii. Employment data by population (race, sex, LEP, etc.)
- iv. Facility blueprints.
- v. Parking facility information to include number of parking spaces.

Data Collection for Compliance Reviews for Post-secondary Subrecipients

The source of data and information for the post-secondary compliance review will be website information and data and information submitted to the MCCB by the post-secondary subrecipients.

Selection of Post-secondary Subrecipients for On-site Reviews

Two post-secondary subrecipients will be selected annually for on-site reviews. A desk audit will be conducted to identify these two subrecipients.

Desk Audits for Post-secondary Subrecipients

The desk audits expand on the agency level review and will result in identifying the two post-secondary subrecipients for on-site reviews. The following will be analyzed during the post-secondary desk audit:

- i. Total enrollment by race, color, national origin, sex and disability in each college.
- ii. An estimated percentage of minorities and persons with disabilities in the general population of the college's service area.
- iii. The breakdown of the administrative and instructional staff by race, color, national origin, sex and disability for each college.
- iv. The per pupil allocation of federal and state funds with respect to the proportion of minority students in Career and Technical programs.
- v. The participation by race, color, national origin, sex and disability in individual Career and Technical programs.
- vi. Referrals from community/junior college reviews by other offices within the department (i.e., Career and Technical Accreditation team)

and follow-up evaluations), if specific questions or concerns relating to civil rights issues arise during the review process.

- vii. Change in demographics that may suggest an increase in the number of special needs students (i.e., LEP-Limited English Proficiency).
- viii. Previous discrimination complaints filed by students, parents, education advocacy groups, or coordinators.
- ix. Time lapse since last on-site review.

Notification of Commencement of On-site Reviews for Post-secondary Subrecipients

A least 30 days prior to the on-site review, MCCB will notify the colleges in writing of their selection. The letter will include a description of the process; request for additional information, if needed; and information related to interviews that will take place during the visit.

On-site Reviews for Post-secondary Subrecipients

The MCCB will conduct on-site compliance reviews annually in the areas of Title VI, Title IX and Section 504/Title II, for two post-secondary subrecipients.

An orientation session for administrators will be conducted (at the college's request) by MCCB staff prior to the on-site review. The on-site review will be conducted using a standardized instrument that includes specific regulatory citations and types of evidence the colleges should have available during the on-site visit. A team of MCCB staff and community/junior college personnel selected for their expertise in various aspects of civil rights and program compliance will conduct the on-site review.

MCCB will use the following techniques to conduct on-site reviews. The same techniques will be used for all on-site reviews.

- i. Interviews of faculty, staff, students and others (if needed).
- ii. Review of documentation obtained on-site.
- iii. Review of documentation provided in response to MCCB request.
- iv. Facility review.

After the on-site review is completed, an exit conference will occur with college administrators to discuss preliminary findings of the review.

Notification of Findings for Post-secondary Subrecipients

A letter of notification will be sent to the President of the community/junior college stating that either (1) no violation(s) were found, or (2) violation(s) were found and the recipient shall be provided an opportunity to discuss the findings with the MCCB Director of Career and Technical Education and submit a voluntary compliance plan. The format for the voluntary compliance plan will be provided, along with notification of the availability of technical assistance.

Attempting to Obtain Voluntary Compliance Plans from Post-secondary Subrecipients

When a college is found by the compliance review to be in violation of civil rights requirements in any aspect of its program, the college must agree to take steps to eliminate the violation(s). If the violation(s) can be resolved quickly, the college will be instructed to provide a description of corrective action that will be implemented to remedy the violation(s). This may be in the form of a letter addressed to the MCCB Director of Career and Technical Education. The MCCB will inform the subrecipient of whether the proposed actions to remedy the violation(s) is acceptable.

If the violation(s) are extensive or complex, the college will be asked to submit a voluntary compliance plan that describes in detail the steps the college will take to eliminate the violation(s) and the timeline for implementation. Prior to submission of the voluntary compliance plan by the college the MCCB, and the college will discuss the issues to be addressed in the plan and will agree on the measures to be taken and the extent of technical assistance needed.

The MCCB will work closely with the college in the development of its plan. The college must submit the voluntary compliance plan in an acceptable form to MCCB, within 90 days of the Notice of Findings.

The follow-up monitoring process will be immediately following the 90-day period allowed for completing the VCP. In addition, a monitoring visit will be scheduled during the following college year to determine the status of the corrective action plan..

SECTION III: TECHNICAL ASSISTANCE

3A. Technical Assistance

The MDE will provide technical assistance to subrecipients. The technical assistance activities will be under the direction of the MDE MOA Coordinator. The MDE will notify subrecipients annually in writing of the availability of technical assistance.

The MOA staff will provide MOA technical assistance and maintain records of the assistance provided. Technical assistance will be made available through:

- i. MOA Sessions at State CTE Conferences.
- ii. MOA Sessions at CTE Director's Meetings.
- iii. MOA webinars.
- iv. Telephone and email communication.
- v. Site visits to subrecipients.
- vi. In-person technical assistance session(s) at the MDE.

SECTION IV: REPORTING TO THE DEPARTMENT

4A. Submission of Report to Department

In accordance with the MOA *Guidelines* (34 C.F.R. Part 100 Appendix B), the MDE to periodically report (biennially) its activities and findings, including findings of unlawful discrimination, to the USED OCR.

4B. Content of Report to USED OCR

In accordance with the MOA *Guidelines*, the MDE MOA Biennial Report will describe compliance activities undertaken over a two-year period and will contain the following information at a minimum:

- i. A listing of the subrecipients that had desk audits and on-site reviews conducted.
- ii. A listing of subrecipients found to be in non-compliance, and information related to notification to the subrecipient of the steps needed to attain compliance and attempts to obtain a voluntary compliance plan.
- iii. Technical assistance provided.